

## A D V E R T I S E M E N T.

**M**AJOR MITCHELL, the Compiler of this Work, thi  
it his Duty to make an Apology to the Public, for  
Defects, in Point of Order and Regularity, to be found in  
following Sheets. The Fact is, that as the Major was desirou  
gratify the Anxiety of the Gentlemen in India to peruse the  
liamentary Proceedings respecting Mr. HASTINGS, by the earl  
Conveyance, he found himself under the Necessity of using  
utmost Expedition in getting them printed, so as to be able  
send them out by the first Ship of the Season; and therefore  
not time to discover and correct, the many Inaccuracies,  
particularly the too frequent Repetitions of the same Page  
which, owing to the same Cause, had escaped the Notice of  
Printer to the House of Commons, from whose Copies delive  
to the Members, the following Sheets were almost wholly tak

The Major proposes to make the only Atonement in his Pow  
by composing, with all possible Expedition, a complete Index  
the whole, which will enable the Purchasers to have immedia  
Recourse to any Part of the Proceedings they may wish to ref  
to. He will use his utmost Endeavours to complete this Inde  
in Time to have it forwarded to India by the last Ship of th  
Season, and a Copy of it shall be presented, GRATIS, to eve  
Purchaser of the Six Volumes.



# INDIA COURIER

EXTRAORDINARY.

---

PROCEEDINGS of PARLIAMENT

RELATING TO

WARREN HASTINGS, Esq.

CONTAINING

Mr. BURKE's CHARGES,

A N D

Mr. HASTINGS's DEFENCE.

---

V O L. I.

---

1786

Printed in the Year M.DCC.LXXXVI.



# INDIA COURIER

EXTRAORDINARY.

---

## PROCEEDINGS of PARLIAMENT

RELATING TO

WARREN HASTINGS, &c

---

FEBRUARY 14th, 1786.

**M**R. BURKE said, that he had intended to have given notice of a Motion for that day, which related to a subject of the highest consequence that could possibly come before Parliament—namely, for the production of certain papers that he thought necessary to substantiate a charge which he had long intended to bring forward, which the House had long expected, and which the party against whom it was to be made, or at least a person very nearly connected with him, had called on him to hasten. He looked upon the business as the greatest and most important criminal prosecution that ever had engaged the attention of any human tribunal. The House was prepared to receive it; the party was prepared to meet it, and he was prepared to introduce it;—he therefore wished to make no delay, and was sorry that the Right Honourable Gentleman [Mr. Jenkinson] had occupied the next open day, because that might be a means of postponing his motion, if a debate should arise on the bill to be moved for on Friday, according to the notice just given.

Mr. Jenkinson apprehended there could be no debate of any length on his motion, and it was agreed that Mr. Burke's motion should be expected on Friday next, or if a debate should arise on the Intercourse Bill, that then it should be understood as to come on the next subsequent open day.

The Chancellor of the Exchequer observed, that as the Right Honourable Gentleman had given notice of his motion in so solemn a manner, as a prelude to a charge of the highest criminality that ever occupied the attention of a human judicature, he thought it would be more consistent with its importance, if he were to mention particularly what papers he intended to move for, because otherwise his notice would be of no effect towards preparing gentlemen for the debate. He urged this to the Right Honourable Gentleman on the grounds of that fairness, candour, and impartiality, by which every thing relating to a judicial process ought to be distinguished.

Mr. Burke said, he did not mean to bring forward any criminal charge on Friday, but only to move for preliminary papers necessary to ground that charge upon, the nature of which the House should be informed of on Friday next.

Major Scott said, the Right Honourable Gentleman had undoubtedly pledged himself to proceed against Mr. Hastings three years ago; he had repeated the pledge the two following sessions, and particularly at the close of the last, when he declared his intention of proceeding as soon as Parliament met again. The Major said, that he was not versed in the mode of proceeding in that House; but he conceived, that after what the Right Honourable Gentleman had said, of  
his



his readiness to proceed, he might as well then mention what papers he wanted postpone such a motion till Friday, by which means all further delay would be avoided, and this was the fourth year since the Right Honourable Gentleman's first pledge had been given to the House.

## IMPEACHMENT OF WARREN HASTINGS, ESQ.

FEBRUARY 18th.

**M**R. BURKE desired that the Journals of 1782 might be turned to, and the 4<sup>th</sup> and 45<sup>th</sup> Resolutions of May 29 be read. They were read accordingly, and were as follow :

“ That for the purpose of conveying entire conviction to the minds of the native Princes, that to commence hostilities without just provocation against them, and to pursue schemes of conquest, and extent of dominion, are measures repugnant to the wish, the honour, and the policy of this nation, the Parliament of Great Britain should give some signal mark of its displeasure against those, in whatever degree intrusted with the charge of the East India Company's affairs, who shall appear wilfully to have adopted or countenanced a system tending to inspire a reasonable distrust of the moderation, justice, and good faith of the British nation.”

“ That Warren Hastings, Esq. Governor-General of Bengal, and William Hornsby, Esq. President of the Council at Bombay, having in sundry instances acted in a manner repugnant to the honour and policy of this nation, and thereby brought great calamities on India, and enormous expences on the East India Company, it is the duty of the Directors of the said Company to pursue all legal and effectual means for the removal of the said Governor-General and President from their respective offices, and to recal them to Great Britain.”

Mr. Burke then rose again, and lamented that the solemn business of the day should have devolved into his hands, when it would have come forward with so much more weight and effect in the hands of the Right Honourable Gentleman who had suggested the very resolution that had been read to the House, and had persuaded the House to vote it, with many others. He had, he said, been urged to endeavour to put the Resolutions in force, and to prevent their remaining a mere calumny on the page of their Journals. He had been called upon, by the party principally interested in any possible proceeding that could be instituted, in a manner highly honourable to that gentleman, but in a manner which rendered it impossible for him not to do his duty ; though he could not sufficiently lament that through a devolution, occasioned by the natural death of some, the political death of others, and in some instances a death to virtue and to principle, he stood alone to resume the dignity of the House from degradation, to enforce its intention, and to give vigour and effect to a sentence passed four years ago. Mr. Burke cautioned the House, however, against considering him otherwise than as their Agent ; the House had four years ago accused and charged Mr. Hastings, he therefore stood up in a subordinate capacity to endeavour to do what the House clearly meant should have been done, and perhaps it would have been better had it been done earlier. The House owed protection to all who acted in its name, and under sanction of its authority ; by protection, he meant that fair and honourable interpretation of conduct, which every man who meant to act uprightly was intitled to. In order to give the House, and especially those who were newly become Members of it, a proper notion of all that had been done by that House respecting India, it would be necessary for him to go back a few years, and state regularly what proceedings had been had respecting it ; but this he would endeavour to do in as compendious a way as possible, being desirous of taking up no more of their time than he could avoid. In the year 1764, or thereabouts, the East India Company sent out Lord Clive to establish certain principles of Government in India, which were at that time held to be the wisest policy to be pursued, in respect to the British possessions in that quarter of the world. His Lordship was eminently successful, and a most immense extent of territory fell of a sudden into the Company's hands, in a manner so astonishing, that it was as much matter of surprize, as the acquisition was wonderfully great in point of value. From that æra, wealth did what it generally does, it opened a door to corruption. Abuse crept in upon abuse, till all India became one continued scene of peculation, rapine, fraud, injustice, and disgrace. The national honour was sullied, and the British name sunk greatly in the estimation of the native Princes of the East, and indeed in the estimation of all Europe. On Lord Clive's return, it was necessary that some person should be appointed Presi-



at of the Council at Calcutta, and be put at the head of the government of Bengal, who had been red, as it were, in those principles Lord Clive had laid down as the best principles of government for the British possessions in India; and therefore it had been thought advisable to take Mr. Warren Hastings from a government in the other part of India (Madras) and put him at the head of the Bengal government. Thus matters went on, till that House found it necessary to turn its attention to the affairs of India, and to enquire into their situation. Various Committees had from time to time been appointed, and different proceedings had upon the ground of their reports. At length, in an unfortunate moment, the American war broke out, and in the midst of that mad and mischievous contest, the affairs of India kept their hold on the minds of that House; in the year 1781, the House thought it right to institute two separate and distinct Committees, a Secret and a Select Committee; at the head of the former was placed a Right Honourable and learned Gentleman, who then sat opposite to him, and who had suggested the string of Resolutions from which he had selected that respecting Warren Hastings, Esq. and Mr. Hornsby; a resolution so pointed, and so directly accusing those gentlemen of neglect of duty; and with having acted improperly in their high official situations, that, perhaps, the House would wonder that a gentleman whose mind after long and laborious investigation of the facts, was satisfied that so strong a resolution was founded, should have contented himself with having persuaded the House to adopt the resolution, vote it, and thus make it their own. The other (the Select Committee) had been moved for by General Smith (now no longer a Member of that House) and the motion had been seconded by an Honourable Gentleman, at this time Secretary to the Board of Controul. Mr. Burke hinted, that it would have become that gentleman to have been the person to have taken the business up, which he was about to bring under consideration. On that Committee (the Select) Mr. Burke said, he had been an unworthy Member; and he could answer for it, that however deficient in point of ability, the Committee in general might be, the Members of it were exceeded by none for their zeal, their assiduity, and their labour. The two Committees had both applied with so much constancy, and with such unremitting attention to the subjects submitted to their investigation, that they had produced a larger body of evidence, and laid a more voluminous pile of reports on the table, full of important and interesting information, than had ever been produced by any seven Committees before instituted. And yet a noble Lord, high in office, of great weight and authority, and at that time keeper of the King's conscience, had thought proper, in another House, to treat those reports as *idle fables*. Such as the reports were, however, it was upon the authority of the charges made against Warren Hastings, Esq. in those reports, as well as upon the authority of the string of resolutions that stood upon the Journals of May 28, 1782, that he rested his accusation of that gentleman as a delinquent of the first magnitude; when he urged that accusation, he did no more than the House had already thought proper to admit, and to declare. That the House had not proceeded wantonly, rashly, or illadviseably in their investigation of the affairs of India, and that their labours did not pass unregarded, Mr. Burke said, was evident from the honourable manner in which the subject had been recommended to their attention in a speech from the throne, at the close of the session of 1782; and likewise, from the gracious expressions, in which his Majesty had treated of their progress at the opening of the next session. Mr. Burke read extracts from both the King's speeches in question, and dwelt for a considerable time on the weight of such sanction, and the inference to be drawn from such encouragement. After going through an abundant series of argument, and touching upon an infinite variety of relative matters, he proceeded to explain the sort of process that he meant to pursue, in respect to Mr. Hastings, against whom he had been so warmly urged and challenged to proceed, and against whom he certainly should proceed, if the papers he meant to move for should be granted him. There were, he observed, three several modes of proceedings against state delinquents, that the House had, at different times, and as the nature of the case might seem to require, adopted; the first of these was, by directing his Majesty's Attorney General to prosecute; but this mode of proceeding he did not think it advisable to adopt, on the present occasion, because he had never remarked that the learned gentleman, at present in that high law office, (for whose character, ability, and knowledge, no man entertained a more profound respect than he did) ever discovered any symptoms of extraordinary zeal towards the cause in question, nor appeared willing to lend the whole weight of his abilities towards it; and unless both those essentials were to be depended on, there could be but small, indeed scarcely hopes of any success. Besides he did not think a trial by jury the best sort of trial for criminals of the size and enormity of the offender, nor was he of opinion that the Court of King's Bench was a fit court to decide it in, amidst a cloud of causes of *meum* and *tuum*, assault and battery, conversion and trover, trespass and burglary, &c. &c. all of which its magnitude would overwhelm. For these reasons, he should not think of a prosecution by the Attorney General. Another mode of prosecution that the House had occasionally adopted, had been by introducing a bill of Pains and Penalties, and proceeding to hear and adduce evidence; but this mode appeared to him to be pregnant with hardship and injustice with regard to the party prosecuted, and was not at the same time a very becoming thing for the House, who shifted their characters backwards and forwards, and wore one day an accuser's gown, which they exchanged the next  
for



for a Judge's robe. In regard to the culprit, it certainly was hard and unjust to make him anticipate his defence, by coming to their bar with his Counsel, and stating, in the face of his accusers, and also in the face of his Judges, for they were one and the same persons, that which he was to rely on as the proof of his innocence, when he was called upon for his defence in another place, where the proceeding would be more conformable to the regular practice of judicial trials, inasmuch as the evidence must be delivered on oath. A bill of Pains and Penalties, therefore, he should not think of, but should have recourse to the third mode of prosecution, which was both ancient and constitutional, viz. the proceeding by Bill of Impeachment; but even in adopting that mode, he should not propose the usual practice of moving an immediate Bill of Impeachment, and then going into a Committee to find the articles to rest it on, because that was a hasty way of proceeding, and betrayed a sort of passion and heat in their minds, unbecoming the House. What he meant to propose would be, to move for papers, from which he would extract the articles, and when what he should draw out of them, as the matters in charge should appear to the House to be, what he believed they would be found—charges of a black and criminal die, he should then proceed to the impeachment at the Bar of the House of Lords. This mode would be grave and solemn; it would become the Commons of England, and would answer all the ends of justice. Mr. Burke having perspicuously stated these facts, went into a series of reflections on the nature of the office he had undertaken, and the necessity for the House's proceeding with caution and sobriety. Every accuser was, he said, himself under accusation at the very time he was accusing another; it behoved him to act upon sure grounds, and therefore he had chosen the line of conduct that he had explained, as that which might be followed with the least danger of error or justice. He urged the unavoidable necessity of making the enquiry personal. He was aware that the people in India would be better pleased, if the result of the proceedings in that House was, to find that speculation existed, but to discover no peculator; that there was gross corruption, but no person to corrupt or to be corrupted; that vice bore all before it, but not one soul was vicious; in short, in imitation of a coroner's verdict, to find, that though murder was committed, but by *persons unknown*. In order to trace speculation to the peculator, corruption to its source, and vice to the vicious, had been the aim of the researches of the various Committees that had been instituted at different times by the House; as well that at the head of which that worthy character, Mr. Gregory, sat for three years incessantly, as the two more recent Committees, which he had mentioned; and the result was, they found that Government in India could not be *foul*, and the head of Government *pure*. What was the consequence? A resolution of that House almost four years ago, that Warren Hastings, Esq. had, in sundry instances, acted in a manner repugnant to the honour and policy of the nation. Mr. Burke added an infinite variety of pertinent and pointed remarks and observations, and at length sat down, with moving,

“ That Copies of all Correspondence, since the month of January, 1782, between Warren Hastings, Esq. late Governor General of Bengal, and the Court of Directors, as well before, as since the return of the said Governor General, relative to presents, and other money, particularly received by the said Governor General, be laid before this House.”

Mr. Wyndham seconded the motion.

Alderman Le Mesurier rose to complain that the Honourable Gentleman had not stated to the House all the papers that he meant to call for; neither had he opened to the House the points to which those papers were meant to be applied. This, the Alderman said, he believed was always customary; and indeed common sense required that it should be so, as the House would otherwise be drawn on, step by step, till they had gone so far that they would not know how to recede, in like manner as they had heard the preceding day of men being deluded by a series of logical deductions, till they were drawn on to a result which their understandings denied. He said, the Resolutions, he understood, had passed in a very thin House; they ought not therefore to be made the ground of so serious a proceeding; he declared Mr. Hastings had proved himself a meritorious servant of the Company, and that, in giving him that character, he spoke impartially, as he was a perfect stranger to Mr. Hastings, and did not even know his person; but from all that he had seen of the records of the Company during the two last years, for which period he had been in the direction, he saw no reason whatever to suppose Mr. Hastings the delinquent the Honourable Gentleman had thought proper to describe him.—He took notice of what Mr. Burke had thrown out relative to trial by jury, and said, after so public an avowal from that side of the House of an opinion against trials by jury, he hoped whenever the new Court of Judicature, instituted under authority of the East-India Bill, came again under discussion, they should not hear the gentlemen on the other side expressing their disapprobation of it in such vehement terms as they had been wont to do. Before he sat down, the Alderman repeated his wish that the Honourable Gentleman would have the fairness to state to the House the whole of the papers he meant to move, before the sense of the House was taken on the present question.

Mr.



Mr. Dundas rose and said, that in consequence of many things evidently pointed at him in the course of the Right Honourable Gentleman's speech, he began at one time to imagine that he was himself the criminal whom the Right Honourable Gentleman meant to impeach; he was glad however, on that occasion, and he should ever be happy, if gentlemen, when they meant to say any thing that bore allusion to his conduct, would say it in that House when he was present, and when he was enabled by that means to answer it, and to make that sort of reply that the accusation might appear to merit. He never was, nor ever should be ashamed to meet all who had any thing to say against him, face to face, and he rather wished that they would act in that manly way, and not attack him in anonymous libels; and delusive pamphlets crammed with false and illiberal charges, brought against him behind his back, and circulated with industry through every corner of the kingdom. From many parts of the Right Honourable Gentleman's speech, it appeared, that the Right Honourable Gentleman had been of opinion, which he had freely communicated to the House, that *he* ought to have been the person who should have taken upon him the office of accuser of Mr. Hastings. Why the Right Honourable Gentleman should have chosen for one moment to entertain such an opinion, or upon what ground it was, that he had formed it, he was utterly at a loss to imagine, because at no one period of his life-time had he ever said, or ever dropped a hint that he meant to be the accuser of Mr. Hastings; on the contrary he had again and again declared, that he had no such intention, and he appealed to those who had sat with him on the secret Committee, two of whom he saw opposite to him, (Colonel North, and Mr. Ellis) whether he had even hinted at such an idea? He had undoubtedly been the person to suggest the string of Resolutions that appeared upon their journals, and he had not the smallest scruple to admit, that the same sentiments that he had entertained respecting Mr. Hastings, at the time of proposing those Resolutions, he entertained respecting him at that moment; but were those sentiments that went any thing like so far as to suppose Mr. Hastings, or any part of his conduct, such as made him a fit object for a criminal prosecution? No such thing; what did the resolution, upon which the Right Honourable Gentleman had laid so much stress, go to? To nothing more than the recall of Mr. Hastings; a matter which he at the time thought expedient, and had recommended it to the House as a matter of expediency merely, which gentlemen who were present must well remember. Mr. Dundas said, he had not the smallest objection to go over all the matter that had been gone through at the time, and to state to the House upon what ground it was that he had thought it advisable to recall Mr. Hastings in 1782. Having said this, he took a summary retrospective view of the conduct of Mr. Hastings previous to 1782, laying particular stress upon the Rohilla war, the breach of the Treaty of Porunder, and the great and expensive establishments that Mr. Hastings had made in India. The two latter he selected as matters, in respect to which he had thought the conduct of Mr. Hastings highly culpable at the time, and he thought so still; but at the same time he did not think Mr. Hastings had done any thing criminal. He said, he had examined his conduct minutely; and he always found that when there was any improper conduct observable in Mr. Hastings, every possibility of annexing a criminal intention to it eluded his grasp, and there was always some letter of the Court of Directors, or some strong reason to justify Mr. Hastings at bottom. With regard to the expensive establishments in India, he would read a letter written home by Mr. Hastings in 1782 on that subject. In the letter Mr. Hastings complained of the situation he was in, in consequence of so many writers being sent out to him, declaring, that he had at that time two hundred and fifty young men, the younger sons of the first families in Great-Britain, all gaping for lacks, and scrambling for patronage, in the hopes of getting fortunes soon enough to return in the prime of life, and spend the remainder of their days in their native country. This remonstrance, Mr. Dundas said, was received in England in the beginning of the year 1783, and what was the attention paid to it? Why in that *pure* year, when Sir Henry Fletcher sat at the head of the Board of Directors, so far from a restraining hand being held over the increase of the establishments in India, no less than *thirty-six* writers had been sent out! Mr. Dundas dwelt on this for some time; and said he had not the list of the writers about him, but it was pretty obvious from what *shop* they came. He took notice that Mr. Burke, in his speech, had considered that part of the letter as essential, as he had marked a part of the letter he had just read by an alteration in the printing. Mr. Burke's hand, he said, was pretty visible in some of the dispatches of the Court of Directors of that period, from the style in which they were written. To return to Mr. Hastings, Mr. Dundas said, he had since 1782 done essential services to the Company, and had received the thanks of the Court of Directors; not that he meant to shelter himself under their Minute; had he been a Director, most undoubtedly he should have signed the Minute of Thanks, being thoroughly convinced Mr. Hastings merited them. He laid great stress on the different conduct of that gentleman, declaring, that although he thought it expedient to have recalled him in 1782, on account of the breach of the Treaty of Porunder, and on account of the extremely expensive establishments introduced by him in India, he was glad that Resolution had not been carried into effect, because if it had, he should have been the means of depriving the Company of a most valuable and useful Servant, and the Public of a Governor-General of India remarkable for uncommon ardour, abilities, and capacity.—Mr. Dundas said, he had not the smallest objection to the motion,



tion, nor would he have troubled the House at all, had not so much been said personally to himself, that the House, he was persuaded, must have felt that it was due to them, that he should rise and give some explanation on the points to which the Right Honourable Gentleman had directed his allusions.

Mr. C. W. Boughton Rous and Mr. Fox both rose together, but the latter obtained the hearing. Mr. Fox said, he had not the smallest idea of having any occasion to have risen in that debate, nor would he have interrupted the Honourable Gentleman, who was on his legs at the same time that he rose, had not something fallen from the Honourable and learned Gentleman who spoke last, that it was impossible for him to remain a moment silent under. The only way in which he could meet the matter, was to oppose assertion to assertion; and to declare upon the word and honour of a gentleman, that if in talking of the thirty-six writers that had been sent out in 1783, when Sir Henry Fletcher sat at the head of the Board of East-India Directors, and when he had himself the honour to be in administration, the Honourable and learned Gentleman meant to insinuate that he had been concerned in sending out any, he was completely and perfectly mistaken. In the whole course of his life he had never sent out, or rather procured to be sent out to India, but one single writer, and that was at the time that the Earl of Shelburne, (now Marquis of Lansdown) was at the head of his Majesty's Councils. That upon his word of honour, most solemnly pledged to the House, he had been the only writer he had ever procured a recommendation for, and succeeded in. Indeed, if the House would recollect a little, it was not very likely that the administration in which he had the honour to be, should stand remarkably well with the Board of Directors, as it was well known what their intentions were at the time, with a view to effect a reform of the Company. Mr. Fox said, he thought it right to say thus much in consequence of the insinuation, and the manner in which the insinuation of the Honourable and learned Gentleman had been conveyed to the House. As he was upon his legs, he would say a few words on the consistency of the Hon. and learned Gentleman, who, when hard driven to the point, and obliged as it were to defend his own conduct, had done that, which God knew the Honourable and learned Gentleman could do at all times, meet his opponents face to face, let the argument bear as much as it would against him; but what sort of defence had the Honourable and learned Gentleman made? He had been reduced to the necessity of admitting, that he had at one time entertained an opinion that Mr. Hastings had acted in a manner highly culpable in some points; nay, he had added, that he was still of the same opinion, although, almost in the same breath, certainly in the same speech, he had declared he entertained a high opinion of Mr. Hastings, and had praised his conduct as warmly in the latter part of his speech, as he had abused it in the former part. And what points had the Honourable and learned Gentleman chosen to select as the points in which he considered Mr. Hastings as having been highly culpable? merely the two points of the Rohilla war, with the breach of the treaty of Porunder, and in having introduced expensive establishments in India. Good God, exclaimed Mr. Fox, is that all that the Honourable and learned Gentleman thinks Mr. Hastings was culpable in! Has this House heard nothing of Corah and Allahabad? Of Cheyt Sing? Of the Begums? And of all the long catalogue of crimes committed in India, to the infinite disturbance of the peace of the country, to the misery, and even butchery of the natives, to the destruction of all confidence in British faith, and to the everlasting disgrace of the British name and character in Indostan? Having put this warmly, Mr. Fox read the Resolution immediately preceding that in which the House resolved, in 1782, that Warren Hastings, Esq. and Mr. Hornby should be recalled, and appealed to every man of common sense, whether that marked and strong censure did not go immediately to Mr. Hastings and Governor Hornby? It was not, he said, in language to express disgrace more strongly than that, which declared the delinquents ought to receive some mark of Parliamentary displeasure.

Mr. Fox compared these two Resolutions, and the obvious construction of both, with the vote of recall that had passed at the India-House, in which Warren Hastings, Esq. was permitted to resign in consequence of his *long* and *meritorious* services. He asked, how this mode of recall was to be reconciled to the Resolution that stigmatized Mr. Hastings, and declared it to be the opinion of the House, that he deserved some mark of Parliamentary displeasure? He dwelt upon it for some time, and urged it as a contradiction insulting to that House, and inconsistent to a shameful degree. He observed upon Mr. Dundas's having said, he would not have sheltered himself under a Minute of the Board of Directors, but had declared, had he been a Director, he would have signed that Minute likewise; the Hon. and learned gentleman, therefore, who had himself prevailed upon the House of Commons to resolve in a grave and phlegmatic form, but in strong and energetic phrase, that Warren Hastings, Esq. deserved Parliamentary censure, would have given that gentleman thanks for his long and meritorious services; what egregious inconsistency! for the word *long*, in the minute of Recall, undoubtedly comprehended the whole of the services of Mr. Hastings, as well those before 1782, as those since. Mr. Fox defended Mr. Burke from what had been suggested by Mr. Alderman Le Mesurier,



Mesurier, in respect to trial by jury, and said, the worthy Magistrate had misunderstood his Hon. Friend, who had not expressed any disapprobation of the general principle of trials by jury, but had merely said, that the cause under consideration was of too much magnitude for the cognizance of the Court of King's Bench, and had proposed to appeal to a tribunal and a form of trial as ancient as the constitution itself, of which it was a part. Thus had his Honourable Friend evinced, that the highest species of offenders might be brought to trial, without resorting to any novel experiment on the constitution, but in a manner conformable to usage, and before an ancient, legal, and constitutional tribunal. This Mr. Fox put very strongly, urging it as one powerful proof, that the new Court of Judicature, which took away the birth-right of Britons, made that evidence that was not evidence before, and obliged criminals to accuse and to convict themselves, was not only a tribunal unconstitutional in its origin and its principle, and tyrannous and oppressive in its practice, but altogether superfluous and unnecessary. Mr. Fox spoke to a great variety of other points, and in one part of this speech he began a sentence with asserting, that the Honourable and learned Gentleman had *falsely* said—an expression which he changed by declaring, that when he used the phrase *falsely* said, he meant no personal offence, he meant no more than that he had given a false impression, at least an impression of a particular point, the truth of which his mind would not admit,

The Chancellor of the Exchequer rose with some warmth, and said, that he should have contented himself with giving a silent assent to the motion, had it not been for the language that had been used by the Right Honourable Gentleman who had just sat down. He should however have been ashamed of his own feelings, could he have sat by and tamely suffered such insinuations to be made, and that by a man so circumstanced as the Right Honourable Gentleman, without expressing some part of that indignation with which his breast was filled, and which he trusted no man of generous and honourable principles could avoid sharing with him. What had been the charge made against his Right Honourable and learned Friend? a charge of inconsistency, in now bearing testimony to the merits of a person, whom on a former occasion he was supposed to have thought an object of censure. And by whom was this charge made? Let the House compare the charge, and the person from whom it came, and judge for him whether he were to blame in suffering his temper to be somewhat ruffled by so bare-faced and so shameless a conduct.—In one point of view, indeed, the Right Honourable Gentleman was correct and proper, which was, that having first taken it for granted that his Right Honourable Friend had, for a series of years, continued to vent the most injurious and violent charges, to load with the grossest and most extravagant reproaches, and to threaten with the severest punishment, a certain individual; and that he was now become a convert in his opinion, he had taken upon himself, from his own recent practice and experience, to dictate the form of words in which the recantation of his friend ought to be made: [here the Opposition benches kept up a loud uproar of *hear him! hear him!*] But his Right Honourable Friend had no need of such a tutor as the Right Honourable Gentleman; he was far from being guilty of such an egregious inconsistency as the Right Honourable Gentleman had charged him with, with a force of colouring that would have led the House, had they not too well known the person it came from, to believe that his heart was in truth capable of feeling and abhorring the meanness and unbecomingness of the conduct he had imputed to his Right Honourable friend.

The Right Honourable Gentleman, in his eagerness to fix this imputation on his Right Honourable Friend, had gone so far as to use the most unjustifiable language, no less than a direct charge of falsehood, which, however, finding even the most violent Members of the House apparently shocked at, he had apologized for by saying, that he did not mean to apply the word in its usual and offensive sense; an abuse of words into which the warmth of the Right Honourable Gentleman's temper often betrayed him; he had still insisted upon it, that his Right Honourable Friend's attempt to prove, that those Resolutions that had been read, were such a pledge of his disapprobation of Mr. Hastings' general conduct, as must stamp with inconsistency any subsequent approbation of any part. He should not take upon him to answer such a miserable attempt at wit, as the Right Honourable Gentleman had made, when he talked about meeting him *face to face*, but whenever he found any appearance of argument he would fairly meet it. The Right Honourable Gentleman had relied on the acquiescence which his Right Honourable Friend had acknowledged to the principle of the vote of thanks of the Directors, as a proof of his having changed his opinion with respect to those parts of Mr. Hastings's conduct which he had formerly censured, but there was nothing more necessary but just to read the vote alluded to, to prove that in adopting the spirit and tenor of that vote, his Right Honourable Friend would go no farther than to thank Mr. Hastings for certain parts of his subsequent conduct, leaving those parts that had been the objects of complaint totally untouched.

The vote of thanks was read accordingly:



He was by no means surprised to find that it was part of the Right Honourable Gentleman's idea of consistency, that where one fault could be found in any person, no merit ought by any means to be admitted, but that uniform reproach and unremitting censure should always be the consequence of a single difference of opinion. The Right Honourable Gentleman had no necessity of coming to so full an explanation of his sentiments on that head; his conduct had already made them sufficiently public. For his part, he should not measure his opinions by persons, but by principles, which was true consistency; for, always to oppose, or always to agree with the individual, except upon principle, was the worst of all sorts of inconsistency; it was, however, such as the Right Honourable Gentleman need not have taken so much pains to hold up as that which he thought the proper line of conduct; his actions had already fully published his sentiments on that head. In pursuance of that doctrine—to abide by principles, and not by persons, in forming an opinion of men's conduct, there could be nothing more reconcileable than the propriety of condemning the party on one set of principles, and of acquitting, nay, of applauding him on another. This his Right Honourable Friend had done with respect to Mr. Hastings. When he viewed him in certain parts of his Administration, embroiling the affairs of India by unnecessary and expensive wars—exciting the distrust and animosity of the native Princes against this country, by infraction of treaties, and the extermination of a whole people, no doubt but he must have highly resented and disapproved of such conduct; but again when he saw him, with an ability almost unprecedented, restoring unexpectedly peace and tranquillity, re-establishing a confidential intercourse with the neighbouring powers, and redeeming the credit of the government, he would act highly inconsistent with those feelings and principles that had formerly roused his indignation, if he were not on such an occasion to acknowledge and to applaud the merit that had produced such good effects. He held it absolutely necessary, towards justice and right, to examine the whole of the public conduct of any servant of the people, to give him due credit for such parts as were meritorious, as well as to censure him for such as were culpable; and, for his own part, he was ready to avow, that however censurable some parts of Mr. Hastings's conduct might be made to appear, he should, notwithstanding, consider such as were praise-worthy as entitled to strong approbation; nay, as a sufficient ground for reward and thanks, if they should be found upon the whole to predominate. The two Right Honourable Gentlemen on the other side, had laid it down that his Right Honourable Friend, in moving the Resolutions that had been read, had pledged himself to institute a criminal enquiry, of which those Resolutions were to be the foundation. This position he must positively deny, as the object of those Resolutions was manifestly of a very different scope and tendency, and simply went to establish the necessity of Mr. Hastings's recall, not on account of mal-administration, but because having lost the confidence of certain neighbouring Princes, he would be unable, as it was then thought, to reduce the confused and unsettled state of those countries to order and regularity. Were it to be admitted, according to the idea the Right Honourable Gentleman had seemed to suggest, that a vote for the purpose of recalling a Governor on motives of policy, ought necessarily to be considered as a ground of a criminal prosecution,—such a doctrine would be productive of the most monstrous consequences, for it must either reduce Parliament to the necessity of hesitating on such a step, however urgent the occasion might be, until after a full examination of the conduct of the Governor, or it must lead to the greatest injustice and oppression, by rendering a prosecution unavoidable and indispensable, although no adequate enquiry had been instituted to determine on its propriety. At all events, there could be nothing more demonstrable than this, that at the passing of those Resolutions they were not intended as a foundation for any criminal proceedings, because they contained in themselves the whole of the object for which they were calculated; namely, that it appearing necessary to establish a confidence with the Princes of India, and certain Governors in India having lost that confidence, it was advisable—What?—to punish? No! but to recall those Governors—Whether the conduct by which the confidence of the native Princes was lost had been occasioned by the execution of orders from home, or from the imprudence of the Governors themselves, was a question by no means involved in the propriety or impropriety of the recall, because to be the agents in a system of which the people of India disapproved, would as effectually destroy the confidence of those people as to have been the original devisers of it. Therefore, however guilty Mr. Hastings might possibly be, the Resolutions now referred to were by no means a charge against him, because, whether innocent or guilty, his return from India was apparently necessary at the time, and those Resolutions only went to point out and state that necessity.

The Right Honourable Gentleman had dwelt on the extermination of the Rohillas with all the exaggerated and heightened colouring, with which he was in general used to grace his argument; there was no person who had heard him, but would have imagined that event had been in fact attended with the utmost barbarity that could possibly be conceived, even to the destroying the lives of all the wretched inhabitants of the country, without distinction of age, sex, or condition; and he had also represented it as a subject, of which his Right Honourable Friend thought so lightly as to make it a matter of speculation and enquiry, whether such a proceeding



proceeding put in the estimate with a sum of 40 lacks of rupees were justifiable or not. His Right Honourable Friend had entered into no such enquiry, nor had he suggested any such doubt; he had barely stated in his Resolution, that the desolation of the country was not necessary towards the recovering the money, nor had he at all gone into a consideration of the measure itself, with respect either to its justice or humanity, but simply with an eye to its efficacy towards the object which it was intended to promote. But this was not the only instance of want of candour in the Right Honourable Gentleman, for he was by no means justified in representing in such melancholy language the extirpation of that people, for it was not, as he had appeared to insinuate, a destroying and cutting off the lives of the people, but merely the removing them to a different place. He should not be surprised to hear himself represented, in consequence of what he was now saying, as having attempted to describe the forcing a people from their possessions, and removing them to a distance, as a thing of little consequence, and not liable to the reproach of injustice and inhumanity, but he had seen so much of that unfair and uncandid manner of arguing, that he had learned to disregard and despise it. He did indeed consider such an extermination (though far short of letting loose all the horrors of fire and sword, as the Right Honourable Gentleman had endeavoured to represent the affair of the Rohillas) as a thing of so very dreadful a nature, and so repugnant to every sentiment of human nature, that nothing could possibly justify it except the strongest motives of political expediency, supported by incontrovertible and evident principles of justice.

The Right Honourable Gentleman, who had opened the debate, had also began by an attack on his Right Honourable friend for not having come forward upon the present occasion, as the prosecutor of Mr. Hastings.—He had already shewn why it was not his Right Honourable Friend's duty to do so, on the idea of his having been pledged to it by the Resolutions that had been read. But perhaps the Right Honourable Gentleman imagined that his Right Honourable Friend would have been the most proper person to have conducted the business of the prosecution, and for that reason, independent of the notion of his having been committed, as had been attempted to be shewn, wished him to have taken it upon himself. He must confess, that if there were any real guilt to be investigated, and any punishment to be inflicted, he joined in opinion with the Right Honourable Gentleman, that his Right Honourable Friend would indeed be full as proper a person to take the lead, and full as likely to accomplish all the purposes of public justice, as those Gentlemen into whose hands the prosecution had fallen. But as another Right Honourable Gentleman had said, that there were occasions when the bounds and established rules of justice ought to be overleaped, and a prosecution conducted rather by violence and resentment than by the dull forms of ordinary proceeding; perhaps considering the present business in that point of view, the gentlemen that had taken it up were the fittest people to be entrusted with it.

He then went over the grounds that had been occupied by Mr. Dundas, relative to the breach of the treaty of Porunda, and the seizing on the provinces of Corah and Allyhabad, and particularly recalled the recollection of the House to this circumstance, that since the transactions relative to those provinces, which were in the year 1772, or 1774, an Act of Parliament had been passed altering the whole system of East India Government, and instead of a President and Council of Bengal, appointing Mr. Hastings, by name, Governor General of the whole of the Settlements. It would therefore be highly inconsistent and absurd to look upon him now in the light of a culprit for any measures taken previous to his nomination to that great station, which in itself was the highest certificate of the approbation of Parliament.

The papers that had been asked for were certainly very proper to be laid before the House, let the mode in which the prosecution should be conducted by the Right Honourable Gentleman be what it might. He should for the present avoid giving any opinion on the several modes of trial that had been mentioned; but as the Right Honourable Gentleman had appeared to determine on impeachment, as the best calculated to answer the end proposed, he hoped that he would as early as possible make the House acquainted with the different steps which he proposed to take, and be as explicit as possible in the nature and extent of the charges intended to be made.—He was happy to feel that he should come to the business with the most perfect impartiality, and if the guilt imputed to Mr. Hastings, were made to appear, he should think him by all means a person deserving of the most exemplary punishment.

Mr. Fox rose to explain, which he did by stating that the minute he had all along been arguing upon, was the vote of the General Court, in which it was expressed that Warren Hastings, Esq. should be permitted to return home, in consequence of his *long* and *meritorious* services. Mr. Fox spoke in explanation of some other points in which the Right Honourable Gentleman had either conceived or mis-stated his argument.



Mr. Dundas assured Mr. Fox, he had alluded to the vote of thanks of the Court of Directors.

Mr. C. W. Boughton Rous rose to answer that part of Mr. Burke's speech, in which he had insinuated, that as Mr. R. had originally seconded the motion for the Select Committee, it would have become him to have brought forward the business of that day.

Mr. Rous said, he had seconded the motion for a Select Committee, and been a member of it, as its first object had been to enquire into the state of the Supreme Judicature of Bengal. That he sat on it the second session, but that they soon lost sight of their object, and were led aside to the consideration of subjects totally foreign from its original aim and purpose. On the third session his name was put on the Committee without a word of previous intimation to him, while he was in the country, down in Shropshire, and that he did not afterwards attend it. How therefore he should be singled out to move an impeachment of Mr. Hastings, he could not discover! He had never thought Mr. Hastings a criminal, nor wished him to be so considered. Mr. Rous said a few words respecting the situation he had at present the honour to hold, of Secretary to the Board of Controul.

Mr. Francis rose to speak to one or two facts that happened in India. Mr. Francis then explained the affair of Corah and Allahabad. He also stated the cruelties practiced on the Rohillas, declaring that General Clavering and he had received their impressions of the barbarous manner in which the war was carried on against the Rohillas from the British officer who headed the troops. Mr. Francis confined his speech, which was but a short one, merely to an explanation of facts that had chiefly come within his own knowledge, while in Bengal.

Mr. Vanfittart said, the Rohilla war was not yet understood properly, that in fact, there had been no such thing as the *extirpation* of the Rohillas; the word *extirpation* had been adopted by mere accident as the English of a word in Persick, of which it was not a true translation.

Lord North rose to state a few facts. His Lordship gave a detail of the first sending over Mr. Hastings, with the events that followed, till he had the honour of nominating him Governor General of India in that House in 1774. The Directors removed him in 1776; in his opinion very properly; but at a Court of Proprietors, the majority overpowered the Court of Directors, and confirmed Mr. Hastings in his government. His Lordship mentioned a person [Mr. Lauchlin Maclean] having been over in town from India, that he had power to make Mr. Hastings's resignation of his government. When Mr. Maclean however arrived at Calcutta, Mr. Hastings disowned Mr. Maclean, and kept his government. His Lordship said, that every thing went on well under Mr. Hastings's government for some time, for the affair of the Rohilla war was but little known in England; and by no means understood properly, till the Select and Secret Committees had sat and investigated that and other facts, and stated them so fully in their reports. At the time that the affair of the Rohilla war became known, his Lordship said, it was thought that Mr. Hastings was greatly to blame, and so again in respect to the breach of the treaty of Porunder, but the Court of Directors shared the blame with Mr. Hastings.—At that time he did not think it right to recall Mr. Hastings, because we were on the eve of a war with France, and it was imagined hostilities would reach India, it appeared improper to change the Governor General of India; who he thought possessed vigour and abilities; and that was the reason of Mr. Hastings being suffered to remain governor. When General Clavering, and Mr. Monson, and an Honourable Gentleman near him [Mr. Francis] were sent over, and they had a majority in Council, the government, his Lordship said, was by far the best conducted of any that ever had been carried on in India, but that was not of very long duration, two of the gentlemen being unfortunately no more. With regard to the charge of inconsistency, about which so much had been said, his learned friend must give him leave to declare, without his meaning to impute inconsistency to him or to any other individual, that there appeared to his mind to be a manifest want of consistency between the resolution that declared Mr. Hastings had acted in a manner disgraceful to the national honour, and deserving of parliamentary displeasure, and the vote of recall, which spoke of his *long* and meritorious services; the word *long* indisputably went to the extent of comprehending *all* his services, and that certainly it was highly inconsistent to declare, while the resolution remained unrescinded, and in full force upon their Journals.

Major Scott said, that he trusted the House would have the goodness to indulge him with a few words, on so important a day as this, but as the Right Honourable Gentleman over the way had not thought proper to make a single charge against Mr. Hastings, amidst the declamation and assertion with which he had for so long a time addressed the House, his observations should be short. The Right Honourable Gentleman had made no charge against Mr. Hastings, to which



which he could reply, but he held in his hand a speech which the Right Honourable Gentleman had spoken upon a former occasion, before the Major had the honour of a seat in the House. This speech did contain many very weighty charges against Mr. Hastings. This speech contained the essence of the Right Honourable Gentleman's fourteen Reports—and as he had descended from his high and elevated station, to the rank of a common pamphleteer, the Major said he had been able to meet the Right Honourable Gentleman upon fair and equal terms. He had replied to the speech and to the charges; he had pointed out their absurdity; he had refuted them, in the opinion of every man of sense not tinctured by party prejudices, both in and out of the House; and he was very sure that he should be able to refute every other charge that the Right Honourable Gentleman might bring against Mr. Hastings in future. Much had been said by the Right Hon. Gentleman of the fairness of the Reports, and an attempt was made to pledge the House to support the truth of them; but he trusted to their sense, and their justice to distinguish between them and the reports of the Secret Committee. The Reports of the Committee, of which the Right Honourable Gentleman had been a member, were partial and unfair; the sole intent of them was to criminate Mr. Hastings, but every individual document tending to his exculpation was purposely omitted. He then taxed Mr. Burke in plain and unqualified terms, with bringing a gentleman to the Committee Room, with desiring the Major to withdraw while he was talking to him, and after a long conversation with the gentleman, finding his evidence was not such as he wanted for the purpose of crimination, he declared to the Committee, that there was no necessity to examine that gentleman. Was this the proceeding of a man who acted from a regard to public justice, or was it not the proceeding of one whose enquiry was for the purpose of private vengeance? He next stated, that the Right Honourable Gentleman had very particularly examined an officer of high rank, Lieutenant-Colonel Robert Stuart, on the affairs of Owde. That he had asked him of the state of that country; that it was described as being in a very ruinous state; but unluckily for the object the Right Honourable Gentlemen had in view, Colonel Stuart ascribed its ruinous state to the true cause: The large sums paid by the Vizier to the Company, in consequence of a system established in 1775, and the extraction of specie from that country to Bengal, which was to a prodigious amount in a few years. Colonel Stuart unfortunately spoke pointedly to the disaffection of the Begums and their Eunuchs. If to get at truth had been the sole object of the Committee, this evidence was most important, but it had been wholly and totally suppressed. There was not a single syllable of Colonel Stuart's evidence in any of the reports upon the table. This conduct, the Major said, might be justifiable in one who took the Duke of Parma for his model—"Dolus an virtus, quis in hoste requirit?" The Major said, he charged the Right Honourable Gentleman with injustice in three instances, and if he shrunk from the proof he would consent to be called a calumniator by that House and the publick. The Right Honourable Gentleman had indeed taken the Duke of Parma for his model; he would not tell his enemy where he would fight him; but the House were sensible, that if the Right Honourable Gentleman had meant to proceed as a Parliamentary enemy, who from a sense of public duty, meant to move an impeachment with as little delay as possible, what would have been his conduct? Would he not, when he gave notice in the last session of his intention to proceed, have then moved for the papers he now wanted? Would he not have stated then the mode he intended to proceed? This, Sir, said the Major, would have been fair and honourable; but the Duke of Parma is the Right Honourable Gentleman's model; and the Duke of Parma took every advantage. The Right Honourable Gentleman has, however, at last declared the mode he intended to proceed. So desirous am I to assist in forwarding this business, that I pledge my honour to him, to supply him with every paper and document that I can, relative to Owde, which I perceive he deems his strong-hold, or on any other subject.

Situated as I am, Sir, I may be supposed, and I certainly do, in what I am going to say, speak the sentiments of Mr. Hastings. My agency is at an end by his return; but I feel for him the strongest affection and regard, and my own reputation, which is trifling in the consideration of so great an object, is concerned in the issue of this business. I say from Mr. Hastings, that so far from desiring to elude any enquiry this House might institute, he is eager for it, and he courts it;—so far from throwing obstructions in the way of it, he will supply the Right Hon. Gentleman with any materials in his possession in order to forward his charges. But he trusts, Sir, in the justice, the dignity, and the honour of this House, that they will not be actuated by the spirit of the Duke of Parma; that as they will punish him if guilty, they will protect him if innocent, and that they will not suffer this important point to remain unnecessarily in suspense, and that they will resist every attempt at an unnecessary delay. It is not Mr. Hastings who takes up the time of the House. The Right Honourable Gentleman has pledged himself years ago, in the face of God, this House, and his country, to prove Mr. Hastings a most notorious delinquent. He is called upon to retract his pledge or to proceed, and he might have moved last session for his papers, and the impeachment this day, had he been as ready as Mr. Hastings. The mode of proceeding the House will judge of, and all I shall say on the part of Mr. Hastings now, is, that he is ready to meet every charge, of every kind, that the Right Honourable Gentleman



can produce. Many he has brought forward, and all have been refuted. I have attended, Sir, in the gallery, before I had the honour of a seat here, when I have heard that Right Honourable Gentleman describe the oppressions, the ravages, the cruelties, and the devastations committed in Bengal, in such terms that I conceived were beyond the warmest imagination to invent. I declare to God, I have at times thought that the greatest part of my life has been spent in some quarter of the globe distant indeed from the country the Right Honourable Gentleman has described. I could instance many of his flights, as well as the tale of Almas Ally Cawn, and his unfortunate children; but these I reserve to another opportunity. A few words, Sir, in reply to what has fallen from the noble Lord, and other Gentlemen, relative to the Rohilla war, the stoppage of the King's tribute, and the sale of Corah and Allahabad. These subjects are not yet understood in England, but I will explain them, and from no other authority than the 5th Report of the Committee of Secresy, presented to the House by the Right Honourable and learned Gentleman below me. Sir, I say; Mr. Hastings was not the author of the Rohilla war. It originated from measures in which he had no concern, nor was he in Bengal at the time. I was a subaltern officer upon the service that produced it, and I will state the facts as they are; in 1771 and 1772, an invasion of Owde and Rohilcund were threatened by the Mahrattas; a treaty was concluded between Sujah Dowlah and the Rohillas, to which General Sir Robert Barker was the guarantee. By this treaty Sujah Dowlah and the English were to drive the Mahrattas across the Ganges, and the Rohilla part of the expence was to be 40 lacks of rupees; the service was performed: I was in the army under the command of Sir Robert Barker; we drove the Mahrattas across the Ganges, we forded that river, and continued on the Rohilla frontier, till the rains had set in, and the Mahrattas had returned to the Decan. What was the result? the Rohillas refused to pay the money, and in three several letters written by Sir Robert Barker, he advises an attack upon them, and says their treachery and breach of faith are proverbial. Another mistake many gentlemen have run into, the Rohillas are not a nation, but the conquerors of a nation, and a country now called Rohilcund; the Aborigines are Hindoos; they are perhaps two millions at present, but the Rohillas were a tribe of Afghan Tartars, never amounting to 50,000 men, of which half are now with Fyzulla Cawn, and they took possession of Rohilcund in 1742. I mention these facts to destroy the effects of the Right Honourable Gentleman's high colouring. The fact of Corah and Allahabad is in as small a compass. They were formerly the dominions of Sujah Dowlah. By Lord Clive's agreement with the King, they were to remain with him for the support of his dignity. He quitted them—made them over to the Mahrattas, upon which we resumed possession of them, and stopped the tribute, till orders should be sent from home. These were a complete approbation; and amidst the various changes that have happened, no one has yet thought of giving Corah and Allahabad back to the King, or remitting his tribute. All Mr. Hastings did, was to withhold it, till he had orders from home how to act, and these were conclusive. The noble Lord has said, that he appointed Mr. Hastings in 1774—that the Directors removed him in 1776, rightly, as he thought, but the Proprietors resisted it. Sir, it is true, that twelve Directors, at that time, with much management, did vote for his removal, but he strongly resisted it, and the Proprietors were decidedly in his favour against the whole weight of government. Then the noble Lord tells us, that Mr. Maclean resigned for him, which stopped all further proceedings at that time. Will the noble Lord detail to this House all the curious proceedings that attended that resignation? If he will, Mr. Hastings will be much obliged to him. How, Sir, was the business managed? Mr. Maclean's powers were submitted to three Directors, and one of the three thought them no powers at all. If they were clear, why not submit them, as they ought to have been, to the whole Court; but the noble Lord knows it was no resignation, till Mr. Hastings sanctioned it. After the death of General Clavering, the noble Lord three several times confirmed Mr. Hastings, which is just the same in my mind, as if he had appointed him the Governor General of Bengal; and he has given an unanswerable reason for so doing, because he thought he possessed vigour and abilities. I am astonished to hear the noble Lord contend, that there is any difference in the appointments in 79, 80, and 81, in substance from that of 1774—they are the same; and the noble Lord must excuse me, if I say that I have too high a respect for him, to suppose he will contend, that if he had deemed the Rohilla war so exceptionable a measure, as to disqualify Mr. Hastings from so high an office, he would not, after full knowledge of that event, have three several times confirmed him in the office of Governor General of Bengal.

Mr. Burke in reply said, he was always cool and unruffled when any thing personal was addressed to him, but when he heard that the Rohillas were extirpated, and a whole people deprived of their existence, he was apt to be a little warm; to be sure it was wrong; it was a weakness in him to give way to his feelings upon such a trifling motive, and he would endeavour to amend his fault. The Honourable Gentleman had explained the matter of the Rohillas very curiously, and satisfactory to the House he had no doubt. The Rohillas were *strangers*, but the *Aborigina native* inhabitants, men with swarthy complexions, children of the sun, and from their infancy possessors of the soil! This being the case, said Mr. Burke, to be sure they did wisely to extirpate the Rohilla race and extinguish a whole people. Having pursued his irony



for some little time, Mr. Burke said, the Honourable Gentleman's declaration, that he had refuted all his charges, and that if he made twice as many, he would refute them too, reminded him of the brave Captain in the play "Twenty more! Kill 'em! Twenty more! Kill them too!" The champion was invincible no doubt, or he would not have talked so valiantly.—His threat was equal to a reply once published to a sermon on the 30th of January, which was entitled, "A Reply to all the Sermons that *ever have* been, and to all that *ever shall* be preached on the 30th of January." As to his having omitted any of the evidence received by the Select Committee, the Report in question had not been drawn by him; but if it had, the fact might have been the same, as every Committee, in drawing up their reports, had a right to exercise their own judgments, and insert just as much of the evidence as they thought proper. But if there was cause for complaint, a fit opportunity would offer for urging it. As to his acting upon feelings of private enmity, he felt no malice against any man; if any lurked in his mind, it was unknown to him, and was a vice of disposition that nature cursed him with, and which he had neither yet discovered, nor been able to subdue and eradicate. With regard to his having sent out writers to India, as an Honourable and learned Gentleman had asserted, what crime was there in that fact, or how did it disqualify him from calling the conduct of Mr. Hastings in question? The only misfortune was, that in truth and in fact, though he had lived so much in the world, and had so large a circle of acquaintance of all sorts and degrees, he never once had made a Director, nor sent out or procured to be sent out, a single writer to India. Never, no not one! The Honourable and learned Gentleman was out in his conjecture. Again the Honourable and learned Gentleman knew him by his style, and had discovered him in the dispatches of the Board of Directors in 1783. What a miserable judge of style must the Honourable and learned Gentleman be, when it so happened, that he never had written a line in any one dispatch of the Board of Directors in the course of his life? The Honourable and learned Gentleman held an office, the duty of which was extremely singular; his duty was to *think* what another man should *say*, for, as head of the Board of Controul, the Honourable and learned Gentleman dictated what others signed, and thus the dispatches sent out to India, contained the Honourable and learned Gentleman's sentiments, with the Board of Directors signatures. Now, had he been concerned in writing the dispatches of the Directors in 1783, he should have done little more than revise them, and perhaps have corrected the style; in fact, he should have acted as the Directors clerk; an humble office surely! Mr. Burke was a considerable time upon his legs, and added many other observations by way of reply to the Chancellor of the Exchequer, Mr. Dundas, Mr. Le Mesurier, and others who had spoken in the course of the debate.

Mr. Dundas rose and declared, when he had mentioned the thirty-six writers that had been sent out in 1783, he had not intended to insinuate that the Right Honourable Gentleman had any hand in sending them out, but had merely stated the fact. He did not know who had sent them out, and it was a matter of perfect indifference to him. In regard to what he said of the Right Honourable Gentleman's having a hand in the Directors dispatches of 1783, if the fact were, as the Right Honourable Gentleman had stated it, undoubtedly he had been mistaken; the reason of stating it was this, in reading lately upon the subject of the trade of a particular part of India, where the question was, whether the trade should be carried on by a monopoly, or be made an open trade, an admirably well-timed letter had come into his hand, and finding the style remarkably good, he had exclaimed to a friend near him, "this is surely Burke's writing!" but in that conjecture he meant the Right Honourable Gentleman no dishonour; however he now found he had robbed the Directors of a degree of credit that was due to them, and placed it to the account of the Right Honourable Gentleman.

Mr. Fox said, if what the learned gentleman had said about the thirty-six writers was what he really thought, he should not have rashly thrown out the fact, in the manner he did in his former speech, when, from talking of the *shop* from whence they came, and the *pure* Board of Directors of 1783, most undoubtedly the insinuation had all the effect of an assertion, that those who were in power in 1783, abused that which they had determined to reform, and were adding to the mischiefs that were already existing in India.

Mr. Dundas said, he meant no such thing; but he adhered to the expression of saying, "he knew the *shop* they came from."

The question was then put and carried.

Mr. Burke then made the following motions:

1. "That there be laid before this House, an account of the time and manner of paying into the Company's treasury, a present of 100,000*l.* made by the Nabob of Owde to Warren Hastings, Esq. for his present use, but, by the said Court of Directors, ordered to be paid into the treasury, and the special uses and services to which the same hath been applied."



2. " That there be laid before this House, extracts of the particulars of that part of the Company's accounts in Bengal, commonly called the *Durbar* expences and receipts, from the year 1770 to 1785 inclusive, so far as the same hath been received, distinguishing each year."

3. " That there be laid before this House, a similar extract of the *Durbar* expences and receipts, from the said period, in the Presidencies of Madras and Bombay, distinguishing each year, and each Presidency."

4. " That there be laid before this House, an account of the times at which the several accounts of the annual revenues and expenditures of the Presidency of Bengal, from 1766 to 1785, were transmitted to the Directors; and extracts, stating the reasons contained in any dispatch from the said Presidency, for withholding or delaying any such accounts."

5. " That there be laid before this House, copies of all minutes of consultation and correspondence, to and from Bombay and Madras, relative to a contract or agency with Mr. Auriol, Secretary to the Board and Council General, for a supply of rice to Madras and Bombay."

6. " That there be laid before this House, copies of all papers relative to the revenue, and contracts of opium, since the year 1782, so far as the same relates to any contract made during the government of the said Warren Hastings, Esq."

7. " That there be laid before this House, copies of all minutes of consultation and correspondence between the Governor General and Council, and the Resident at the *Durbar* of the Nabob of Bengal, since the month of January, 1780; together with an account of the expenditure and distribution of the stipend allowed to the Nabob; together with the actual employments now held, and those formerly held, by *Mahomed Reza Khan*, and the orders of the Court of Directors thereupon."

8. " That there be laid before this House, copies of all minutes of consultation, and other proceedings, relative to a charge made by the Governor General, Warren Hastings, Esq. against John Bristow, late Resident at Owde, for distributing large sums of money from the treasury at Owde, without permission of the Nabob, or the permission or sanction of the Company's Governor of Bengal, and without accounting for the same."

These motions produced a variety of conversations, in which Mr. Burke, Mr. Fox, Mr. Sheridan, Mr. Francis, the Chancellor of the Exchequer, Mr. Dundas, Major Scott, Mr. Isaac Hawkins Browne, and Mr. Vanfittart spoke.

The Chancellor of the Exchequer contended, that if any new ground was broken, or papers moved for that went not to matters mentioned in the Reports of the Committees that had in the course of the day been so often alluded to, he wished, and indeed must insist on the Right Honourable Gentleman's stating them to the House.

Mr. Dundas supported this very strenuously.

Mr. Burke moved,

" That there be laid before this House, copies of all other correspondence, during the residence of John Bristow, Esq. together with the documents therewith transmitted from the province of the Owde; and also the answers thereto, and all proceedings relative to his conduct during the said residency, from the month of October, 1782."

Mr. Pitt strenuously opposed it, as opening to new matter, and making the enquiry broader than it need to be. Mr. Fox, Mr. Sheridan, Mr. Brown, Mr. Isaac Hawkins Browne, Mr. Dundas, and Mr. Francis, all spoke on this. Mr. Dundas contended, that Mr. Burke ought to open every new point that he called for papers to illustrate.

The Speaker complaining he was ill, it was agreed at *One this morning*, to adjourn the debate till Monday, and the House rose half-an hour after.



F E B R U A R Y 21st.

MR. BURKE renewed the subject of Friday's adjourned debate—he made an alteration in his motion, calculated to answer the objection of the great number and voluminousness of the papers moved for, and having obtained leave to withdraw his former motion, moved for his new one.

Mr. Dundas objected to the motion, because the House were not sufficiently instructed in the object of the papers, or the use that was intended to be made of them, and argued on the impropriety of calling for papers lightly and inconsiderately; observing, that the Right Honourable Gentleman seemed to imagine, that having once entered upon criminal proceedings, he was intitled to demand what documents he pleaded, and that the House were to grant them as a mere matter of form.

He was replied to by Mr. Burke, who contended that an accuser for the public was entitled to great indulgence, and all the assistance possible, in the prosecution of his object. He instanced from the Republics of Greece and Italy, that the several States used to give every advantage of information to those who took upon them the honourable, the dangerous, and disagreeable task of bringing a public delinquent to trial. He went into the history of Cicero's prosecution of Verres, and pointed out, that notwithstanding that Governor had been in the highest offices, and connected with the greatest men in Rome, yet when Cicero had undertaken to impeach him of extortion and other high crimes, every source of information that could be thought of was laid open to him—he had a commission to examine the records of Sicily, to ransack the whole government for evidence, and even to search the private accounts of the party accused. He complained of the treatment he received from the people, among whom he understood it was said, that he, formerly a respected and beloved member of parliament, had lost all his popularity by the present attempt to bring a great criminal to justice. But in the midst of all the calumnies he might suffer, he should always feel great consolation in reflecting upon a lesson he had learned in his youth.—“Blessed are ye, when men revile and persecute you, and speak evil of you for my sake.”

Major Scott agreed with the Right Honourable Gentleman [Mr. Burke] that it would be absolutely necessary to lay before the House all the papers relative to Owde, if it was meant, and he earnestly hoped it was, to go into that subject. He would, with the leave of the House, state very shortly what the situation of that country had been, and what it now was, after Mr. Hastings formed the treaty of Benares, with the late Nabob Vizier Sujah ul Dowlah, in 1773. Mr. Middleton was appointed Resident at his court, but he had not the smallest interference, directly or indirectly, in the management of the revenues, or with the government of the country. Upon Sujah Dowlah's death, a new treaty was formed with his son and successor, Asoph ul Dowlah, highly advantageous for the Company, which Mr. Hastings, acknowledging its advantages, opposed, as being contrary to the existing engagements, which in his opinion did not expire with the late Vizier. Mr. John Bristow was then sent to Owde, by General Clavering, Colonel Monson, and Mr. Francis, with more enlarged powers, and at the end of a few months British officers were appointed, at the Vizier's request, to command his troops. Here then, the Major said, a new system was adopted, by which the Vizier's government was weakened, and none that was efficient established in its room. In 1779, the Vizier complained of the distress brought upon his country, by the number of Europeans stationed there.—Mr. Hastings did not deny the fact; but stated very clearly and explicitly that he was not the author of the measures which had produced the evils complained of, which he said he would redress, though the critical situation of our affairs prevented that redress being immediate. The officers and troops were withdrawn in 1781, but re-established soon after the Vizier's requisition.

In October 1782, Mr. Bristow, who had been removed after the death of Colonel Monson, was appointed Resident at Owde. Disagreements soon broke out between him, the Vizier, and Hyder Bey Cawn; it was not, the Major said, necessary to say who was right or wrong in those disputes, but matters came at last to so alarming a height, that the Consul General consented to arm Mr. Hastings with full powers, and to withdraw Mr. Bristow. Mr. Hastings accordingly proceeded to Lucknow, in February, 1784; and much as he deserved the thanks of the Court of Directors and his country for his important services, the Major declared, that he had at no time more distinguished himself than in that deputation. He restored peace, tranquillity, and good order to the country. He fixed the Vizier's authority completely through his dominions, and he recovered for the Company that large balance (above 700,000*l.*) which the Right Honourable Gentleman over against him (Mr. Fox) had two years ago done completely away,



away, by one dash of his pen, and had taxed the Directors with audacity, for presuming to include it in their accounts. All that Mr. Hastings had done in Owde had been most fully and completely approved by the Directors, and by that Board of Controul which the wisdom of the legislature had appointed to superintend the Company's affairs; nay, the only point of difference between Mr. Hastings and his Council had been determined entirely in favour of Mr. Hastings. Major Scott said, that he was of course most anxious to bring the whole of the Owde business before that House and the public; but it could only be done by calling for all the papers from the time of Mr. Bristow's appointment down to the day of Mr. Hastings's embarkation, or later, if any papers had since been received.

The Major begged, as this was an adjourned debate, to be indulged with a few words as to another subject, which he hoped to set in a new and strong light to many gentlemen in the House. The Right Honourable Gentleman had, in the last debate, asked the Right Honourable and learned Gentleman below him, whether he had ever heard of Benares? He well recollected, that when the Right Honourable Gentleman (Mr. Fox) on the production of his bill two years since, mentioned Benares, he had treated the subject in his usual manly way, and had freely met the argument. He asserted, that the demand originally made of five lacks of rupees was unjust, and contrary to argument. Here, then, he would bring the matter to an issue. Mr. Hastings, when the war broke out with France, in July 1778, proposed to increase the army in Bengal, by raising nine battalions of sepoys, and to reinforce Sir Edward Vernon, then before Pondicherry with two ships of war, and to fit out a marine force for the river. He proposed to call upon Cheyt Sing for the proportion of the increased expence, which he fixed at five lacks of rupees. His council (Mr. Barwell, Mr. Francis, and Mr. Wheeler) unanimously agreed, the Honourable Gentleman (Mr. Francis) proposing that Cheyt Sing should be informed his demand would not be made after the war was at an end. To this Mr. Hastings consented—the demand was made—compliance promised, but afterwards refused. Mr. Hastings spoke warmly of Cheyt Sing's behaviour, and then the question of right was agitated, in the month of August, 1778. Upon this occasion, Mr. Hastings solemnly recorded as a principle, that the engagement with Cheyt Sing did by no means “preclude that right which every government possesses, to compel all dependencies to contribute by extraordinary supplies, to the relief of extraordinary emergencies”

Here then was Mr. Hastings's principle recorded, and it was received in England, in April 1779; but lest the subject should be lost in the mass of consultations, it made a part of the general letter. This demand was again made, and enforced by military violence, at least by a threat of military execution, in 1779 and 1780, and regular intelligence transmitted each year to the Court of Directors, who never once expressed the smallest disapprobation of Mr. Hastings's principle, or of his enforcing it by violence. What then, said the Major, is the state of a Governor in India, if acting up to his duty, if recording the principles upon which he acts, and transmitting repeated intelligence to his constituents of having so acted, he shall be liable, at a distant period, to be called to account for what he did years ago, and his superiors approved of? for silence, in such a case, was approbation. These circumstances, it was true, were not reported by the Select Committee, nor perhaps known by the Right Honourable Gentleman, when he talked of the pound of flesh, and the bond of the Jew. The Select Committee merely reported that the Directors had taken no notice of the first communication.

Here Major Scott was called to order by Mr. Wilberforce, and excused himself by saying that he really conceived the adjourned debate alluded to the whole business of Friday last, and not merely to the motion, or he should not have intruded so long upon the indulgence of the House.

Mr. Francis answered Major Scott, endeavouring to shew, that however the circumstances he had mentioned might be true, there were others relating to the affairs of Owde that were highly criminal. There was much information and Asiatic history in the speeches of both these gentlemen.

Mr. Pitt, with a great impartiality, admitted the necessity and propriety of giving every possible assistance to any gentleman that came forward as the accuser of a public delinquent; but he was of opinion, that it was highly requisite that the House should be informed of the use to which the papers in question were to be applied, because no gentleman had a right to judge for the House what papers they ought to have, but to state his reasons for wishing for them, and to leave it with the House to determine on their necessity. He drew an ingenious distinction between the new charges intended to be brought against Mr. Hastings, and those which were to be collected out of the Report of the Select Committee, shewing, that if papers were wanting to elucidate the latter, it would only be necessary to point out how they were relevant to the subject; but if, for the purpose of substantiating the former, it was then necessary to point out the charge



charge itself, as well as the means by which the papers required were expected to apply to it. The Right Honourable Gentleman having determined to move for articles of impeachment first, and afterwards for the impeachment itself, would lose the advantages of that method of proceeding, whatever they might be, by first committing the House, which would be the case if they were to vote for the production of papers, as if their relevancy to the imputed guilt were already admitted without first having it stated how they were to have a connection with the charges intended to be made, or even knowing what those charges were.

He was answered by Mr. Fox, who contended, that the mode in which his Right Honourable friend proposed to conduct the business, made it extremely proper for him to be at liberty to arrange his materials without being obliged in every step to go into the detail.

After a vast deal of desultory conversation between the gentlemen that had already spoken, and Messrs. Smith, Grenville, Rous, &c. Mr. Burke's motions were severally put, and carried.

---

## F E B R U A R Y 25th.

MAJOR SCOTT said, that from the time the Right Honourable Gentleman (Mr. Burke) had moved for his papers, he had been very anxious for their production, and had been twice at the India-House in order to learn when it was probable they would be presented to the House. He had been informed that morning that the greatest part of the papers were already prepared, and he would wish to move that such as were ready should be presented without any delay, that the House might have an early opportunity of perusing them. He could assure the House that the only anxiety he felt was, to bring forward the business as quick as possible, and that anxiety had been increased by his observing what was doing out of doors, where the most scandalous misrepresentations of what had been said in that House were made. He well knew that such misrepresentations could have no effect upon the House, on whose justice and impartiality he had the firmest reliance, but when false and injurious calumnies were asserted, and when those calumnies were imputed to a Member of that House, with a view of affecting the character of a man who had long held a very high office abroad, it was a matter of great importance that no studied or unnecessary delay should be used in bringing forward those charges, to substantiate which the papers were moved for. Major Scott then read an extract from a newspaper, purporting that Mr. Burke had pledged himself to prove, that by the express orders of Mr. Hastings some natives in India had been put to the torture.—This, the Major said, was an assertion totally void of foundation. The Honourable Member, he was informed, had said no such thing. Mr. Hastings knew nothing of the matter, and he was sure no Englishman had authorised such an act of barbarity; but an assertion of this kind was very well calculated to mislead the public, and he would therefore move, “that as fast as the papers could be got ready, they should be produced to the House.”

The Speaker told the Major his Motion was informal and unnecessary.

---

## M A R C H 4th.

Mr. BURKE, notwithstanding his illness, came down to the House yesterday, in order to prosecute his charge against Mr. Hastings; and accordingly moved:

“That there be laid before this House copies or duplicates of all papers relative to the last peace with the Marhattas, or any demand made by the Marhattas concerning the cession or restoration of any territories now in the possession of the Company or its allies, or of the payment of any chout or fourth part of the revenues; or of any sum in lieu thereof, or concerning any payment of money or loans to any of the said Marhattas, made or paid since the 1st of January, 1779.”



Mr. Burke said it would appear from these papers that there had been the most shameful acts of treachery, and breach of faith committed in India in those several transactions, and that our allies had been sacrificed to our enemies. He went over the general grounds of his former speeches on the subject, and concluded with saying, that notwithstanding the difficulties he found he was to encounter, and the security that the friends of Mr. Hastings seemed to be in, he had not the most remote apprehension of his being unable to bring home the whole of his charges against the delinquent.

To this Mr. Dundas and Mr. Pitt objected, on the ground of the former argument on the subject, that it was by no means a matter of course, merely because a Member of that House had stepped forward as an accuser of a person charged with delinquency, that he was therefore entitled to demand and receive any papers he thought proper to state as relevant to his charge, —besides that the present papers could not be produced without a manifest impropriety, as they would tend to unfold the whole of those negotiations by which Mr. Hastings, with the most unexampled and brilliant ability, contrived to detach from the alliance the several Mahratta Princes. Moreover, that on the subject of the Mahratta peace, there could be no ground for any criminal charge at all, inasmuch as that measure was in itself highly meritorious, and had been the means of restoring the affairs of India from a situation the most deplorable to their present prosperous state. Mr. Pitt, however, differed from Mr. Dundas in respect of the papers relative to *Rajanauro*, and the *Ranah of Goad*, which he said ought certainly to be produced, because those persons having been our allies, and deserted by us in the treaties alluded to, it implied a guilt *prima facie*; and therefore the necessary means of elucidating these points should no doubt be afforded to the House.

Mr. Fox and Mr. Montague contended for the production of all the papers; the latter, however, lamented the prospect there was of his Right Honourable Friend's not being able to surmount the difficulties that were to be thrown in his way; but that he must, if defeated in his present object, look forward to time and future experience to do him justice.

Major Scott entered into a long detail of affairs in India, and in a part of his speech glanced at the opposite side of the House, as if he had meant to suggest that those who were now engaged in preparing an impeachment of Mr. Hastings, at one time made overtures to that gentleman, and would have been glad to have been his friends.

Mr. Fox rose as soon as Major Scott sat down, and called upon the Major to charge him with having either directly or indirectly, at any time when he was in office, or at any other time, made an offer of a compromise, or signified an inclination to enter into any treaty of compromise with Mr. Hastings, or with any person for Mr. Hastings, if he could make good any such charge. Mr. Fox said his own mind had always been uniform and similar on that subject; it never had varied: and therefore he could answer immediately for himself that he had never for one moment lent his hand to any such purpose, nor did he know of any persons having offered to enter into a compromise for him; if he did, it was without his knowledge, and he disavowed him. Indeed the House might recollect, that when he was in office, and opened his India Bill, report had said that the great ground of that Bill was a direct attack on Mr. Hastings, and much clamour and abuse had gone forth against him under that idea; it was not therefore very likely that he should at the very time be encouraging a secret treaty with Mr. Hastings or his agents. Mr. Fox said further, that he believed among the loose conversations that passed between those with whom he acted when in office, it had been once talked of that Mr. Hastings was to be regarded as a formidable adversary, considering the plan they had decided upon pursuing with respect to India, and that, perhaps, it would be less dangerous to let him remain quiet; but the idea had not been harboured a moment by him, and he was pretty sure that his colleagues in office had felt and acted exactly as he had. Mr. Fox said he wished the House had been full, when the Honourable Gentleman had thought proper to throw out an insinuation of so dark a nature; at any rate he was glad to see there was a full gallery.

Major Scott rose again, and acquitted Mr. Fox of having ever shewn a wish to compromise with Mr. Hastings, but he declared something had passed between an Honourable Gentleman and him, that fully justified him in what he had said. The first time he saw him in that House, he would state the fact.

After this the gallery was cleared, but Mr. Wyndham rising to palliate the differences of opinion, and to argue candidly and coolly for the papers stated in the Motion, the strangers were permitted to return to their seats.

As soon as Mr. Wyndham sat down, Mr. Wilberforce rose in the avowed character of a friend to the Minister, but unconnected with him by place or situation, to give his advice to  
both



both sides. Mr. Wilberforce recommended it to gentlemen on the other side of the House to conduct themselves with more temper, and not to call for papers, the production of which might lead to mischief; and the Ministers he cautioned against giving any papers, that they in their consciences thought would be attended with injurious consequences to our interests in India.

Mr. Burke, in the course of his reply, said the Honourable Gentleman took care to give his advice where he knew it would be followed, and he acted still more wisely, he took security for its being followed, because he knew before he gave it that Ministers were determined not to give the papers in question. With regard to the advice the Honourable Gentleman had given him, it was unnecessary; he stood there in the awful character of accuser, calling for papers necessary to make good his charges, and those papers contained no secrets, nor would he have demanded them for the purpose insinuated, that of doing mischief. Mr. Burke went on with various arguments to urge the Treasury Bench to grant the papers.

Mr. Wilberforce, in explanation, said the Right Honourable Gentleman had misunderstood him; he knew perfectly well the Right Honourable Gentleman could not descend to any act unworthy of his high character: afterwards the House divided. *Ayes, 44. Noes, 87.*

When the division was over, Mr. Burke moved for other papers, some of which were granted, and some refused.

---

*From the PUBLIC ADVERTISER of MARCH 6th.*

WE have now room to give Major Scott's Speech on Friday at length; the difference of opinion that afterwards arose in one part of it was deferred for a future discussion:

"I hope the House will forgive me for presuming to request their indulgence for a short time, as I am particularly called upon by the Right Honourable Gentleman below me (Mr. Pitt) whose offer I accept with pleasure.—It is undoubtedly the wish of Mr. Hastings, that every paper moved for by the Right Honourable Gentleman over the way may be granted by this House; but it is impossible he can be more anxious for any papers, than those which respect Mr. Anderson's negotiations.—The world, I believe, are agreed very generally as to the merits of that peace; and if the detail was before the House, if the circumstances under which the negotiation was commenced, and the difficulties and obstructions thrown in the way, if it were known, which would of course appear in Mr. Anderson's correspondence, Mr. Hastings would not only be justified, but entitled to the warmest applause.—After the very implicit declarations that have fallen from two Right Honourable Gentlemen, who are acquainted with every part of the negotiation, I am not apprehensive that any slur can be cast upon the character of Mr. Hastings, for any part of the Mahratta peace.

"The Right Honourable Gentleman (Mr. Burke) who possesses great powers of language, and a very fertile imagination, has asserted, that the faith of the nation has been grossly violated in Mr. Hastings's conduct to the Rana of Gohid. Every paper that can tend to prove this charge is, I understand to be granted: but till they are all before us, will the House permit me, by a plain recital of facts, to prove how strangely and unaccountably the Right Honourable Gentleman has been misled.—Fortunately, Sir, there are now in London, three officers who were upon service with the Rana.—The first, Colonel Muir, a gentleman who has served his King and the Company nine-and-forty years, with honour and success; he negotiated the separate treaty with Madagee Sindra.—The second, is Colonel Popham, who commanded the army first sent to the assistance of the Rana, and took the strong fortress of Givaleor, the Gibraltar of Indostan. The third is a near relation of mine, Captain Jonathan Scott, who was Persian translator, first to Colonel Popham, and afterwards to Colonel Camac while they commanded in Gohid.—Our first connection with the Rana, was in consequence of his pressing and earnest application, the latter end of 1779, at a time that his country was almost entirely in the hands of the Mahrattas.—The Honourable Gentleman (Mr. Francis) who was then a member of the Supreme Council, may recollect the motives assigned by Mr. Hastings for entering into this alliance, that he hoped, by a series of military operations in that country, to draw Madagee Sindia from Guzzush, and to accelerate a peace with the Mahratta State; Sindia at that time commanded their armies, and was opposed to General Goddard. The treaty was concluded, and Colonel Popham, at the head of his little army, 2,000 seapoys, and five or six  
Gold



field pieces, was ordered to march to the Rana's assistance.—In less than two months he drove the Mahrattas from Gohid, and he possessed himself of some districts belonging to the Mahrattas. On our part the treaty was faithfully performed—but the Rana neither co-operated with his forces, or furnished the money or provisions that he was bound by the treaty to supply us with.—In October, 1780, the fortress of Givaleor was taken, and, against the opinion of Mr. Hastings, was not immediately delivered to the Rana.—In the following April however, he was put in complete possession of it.—Colonel Camac succeeded Colonel Popham, and his army advanced towards Maliva, but unsupported by the Rana. His army was harassed by the Mahrattas to such a degree, that the Colonel wrote very pressing to the commanding officer at Corah for a reinforcement, but before Colonel Muir could join him, he made a night attack upon the camp of Sindia, and completely succeeded, taking his guns and ammunition, with a great quantity of provisions, &c.

“ Overtures for peace were made by Madagee Sindia to Colonel Muir, who concluded the treaty under the instructions he received from Mr. Hastings, which were written soon after his retreat from Benares to Chunac, and dispatched in a quill to Colonel Muir.—These instructions have been fully defended by the Right Honourable Gentleman below me.—Colonel Muir transmitted to Mr. Hastings and the Supreme Council, what they deemed the most full and unequivocal proofs of the Rana's treachery and breach of faith; and if these do not satisfy the House, then the Right Honourable Gentleman's charge will be well grounded.—But though we were deceived by the Rana in every instance, the expedition projected by Mr. Hastings had every effect which he predicted from it, and did lay the foundation of that general peace we now enjoy in India.

“ With respect to the Rajah of Bhopaul, he was left out of the treaty by his own express desire, and for very forcible reasons assigned by himself; but here I tread on tender ground: I am unwilling to say more, till the Right Honourable Gentleman tells us what Rajahs were sacrificed by Mr. Anderson's treaty.

“ An Honourable Gentleman, early in the debate, pronounced a very strong panegyric upon the Right Honourable Gentleman over the way, but I wish he had stated for what acts he would receive his reward from posterity. Will it be for the violent and opprobrious epithets he has bestowed uniformly upon Mr. Hastings, whom he has often mentioned as a delinquent, some times as a trembling and sore one—but I ought not to be affected by them. Permit me, Sir, if it is not introducing extraneous matter, to say, that strong and violent as his language has been when speaking of Mr. Hastings, it was equally pointed, equally violent formerly, when addressed to the Noble Lord in the Blue Ribbon, now his Noble Friend.—He has pledged himself to impeach Mr. Hastings; he did pledge himself formerly to impeach the Noble Lord—nay, his impeachment was much further advanced; for, as I have heard, he declared it was in his pocket.—I have read much of the proceedings of Parliament before I arrived in England, and have attended them too closely ever since to be surprised at inconsistencies. I bow with implicit submission to the present mode of proceeding, though, as a brother officer of mine observed, it differs from a Court Martial, where the charge comes first, and the evidence after. But I am sure it will be allowed, that it is attended with one disadvantage to Mr. Hastings.—It subjects him to a load of calumny and abuse, without an opportunity of exculpating himself; but as vague and unsupported charges are made use of as engines against him, and have been, I have surely a right to bring presumptive proofs of his innocence.—I can safely and truly declare, that in no one period have I acted like a man who has a bad cause to support, nor have I ever sought protection for Mr. Hastings from any Administration.

“ When I arrived in England, the Noble Lord in the Blue Ribbon was the Minister.—He gave to Mr. Hastings, at that time, a certain degree of confidence and support, for very good reasons, because he conceived him to possess vigour and abilities, and to possess the confidence of his constituents. Mr. Hastings, as was his duty under a Parliamentary appointment, communicated to the Noble Lord regularly all the political transactions of his government, and when he proposed his re-appointment three several times to Parliament, the Noble Lord well knew every subject that has been mentioned in this House, and particularly the rise and progress of the Mahratta war, and the demand made upon Cheyt Sing to contribute his proportion to the general war.—When the Administration was changed, and a Noble Marquis, now deceased, became the Minister, very different ideas were entertained of Mr. Hastings, and his recall was voted in this House.—I will not now go upon that subject; but is there a gentleman who hears me now, who will not allow that if the Proprietors had not resisted that vote, involved as we were with all Europe and all India, our Empire in India would have been lost?—For that act, Sir, the Proprietors deserve the thanks of their country; but if Mr. Hastings's particular friends had had a doubt of the purity of his character, would they have provoked Administration by such an opposition?



“ The next Minister, the Marquis of Lansdown, has been described as the friend of Mr. Hastings ; but that that Noble Lord laboured to effect his removal, though foiled in the attempt by the Proprietors at large, against the opinion of thirteen of their Directors, is most certain. On the next change, when the Right Honourable Gentleman came into office, Mr. Hastings had nothing favourable to expect ; but I appeal to the Right Honourable Gentleman, whether any attempt was made to induce him to shew any indulgence to him, and when the India Bill was brought in, would the friends of Mr. Hastings pledge themselves to remain neuter ? If they had done so, Sir, would not Mr. Hastings have been perfectly secure from the promised impeachment ?—The present proceedings are of a very extraordinary kind—Mr. Hastings is not yet charged with any crime ; but for years he has been treated by one description of men as a notorious delinquent : Under these circumstances, it can hardly be expected that I should be precluded by the plea of a confidence which I never fought, from stating such facts as appear to me most likely to set the conduct of his prosecutors in a true point of view.”

---

M A R C H . 7th,

Mr. BURKE moved that question for papers relative to Delhi, that the order of the day had been moved upon last Friday.

Mr. Dundas said he would not mispend the time of the House, so much as to go again over those reasons, that he had on Friday last so amply stated in the detail, that induced him to refuse his consent to those motions, which if carried, would reveal secrets that policy required should be concealed. The motion was one of that description, and therefore he must object to it.

Mr. Sheridan complained of that manner of refusing material papers, without stating any particular specific reason for such refusal ; but what he principally rose for, Mr. Sheridan said, had been in order to give the House an explanation of that charge, or rather insinuation, respecting him, that an Honourable Gentleman opposite to him had thrown out. The Committee would recollect, that when he heard of the matter on Friday evening he had acted in the manner which he hoped they would think most proper for him to adopt under the circumstances of the case as they then stood. He had, since that, had an interview with the person with whom he had talked upon the subject, and who indeed he had commissioned to go to the Honourable Gentleman opposite him, who he did not doubt would do him the justice fully to explain to the House when he sat down, that he had been mistaken in his fact, having been satisfied by the Gentleman in question that he was so. In order to make the House more clearly understand what he meant, it would be necessary for him to state a little of some opinions he had ever reserved in his own mind, and did not intend to have stated, had not this business made it necessary. With regard to India affairs, he had thought there were but two lines of conduct to be pursued after those strong and emphatic Resolutions of the 28th of May, 1782, had been voted. The one was to recall Mr. Hastings immediately, by the strong arm of Parliament, and punish him exemplarily ; the other to bring in an India Bill, in which, on grounds of expediency, on account of the times not bearing so strong a measure, and the difference of opinion respecting it, no retrospect should be had, but all the clauses should look to the future. So thinking, when the India Bill of his Right Honourable Friend was preparing, the latter measure appeared to him most expedient to be followed, more especially as the time for calling home Mr. Hastings by act of Parliament, was, in his mind, gone by, and therefore he had sent a friend to the Honourable Gentleman opposite to him, to know whether Mr. Hastings would come home if recalled. In the course of the conversation that he had with his friend, the intended India Bill was certainly mentioned, but merely as matter of conversation, and not as a proposition to the Honourable Gentleman. This he had the happiness to say was the true state of the case, as the Gentleman in question had assured both him and the Honourable Gentleman opposite to him, and that there had not been the most distant idea of bartering with Mr. Hastings for his support of the India Bill.

Major Scott perfectly admitted, that the gentleman he had seen originally on the business, had confirmed since Friday last every syllable the Honourable Gentleman had uttered, and he begged leave to thank him for so fair a statement of the transaction. He only differed from him in one particular, and that was this : he had always conceived that the conversation about Mr. Fox's India Bill had been the principal, and the question as to whether Mr. Hastings would come home, or would erect the standard of rebellion in India, the *accessary* point and cause of the message to him. Most certainly the gentleman with whom he conversed, had assured him it



was not, and he was bound to think so now. But he would state to the House why it was natural for him to have thought so at the time, and the matters had very strongly impressed his mind in that way ever since. In the first place he had no powers from Mr. Hastings to treat of his resignation, and he had stated as much at the India House three years ago, by reading a part of Mr. Hastings's instructions to him, which he would likewise read to the House. The Major then read an extract from his instructions. As a farther proof that such had been the impression he had received, he read from a paper of yesterday, the paragraphs and answers that had appeared in it on the subject in 1783, and very candidly said, they had no right to suppose they came from Mr. Sheridan, but they certainly came from some-where; they did not fall down from Heaven on the Compositor's letter case, and as they ran in the same stile with Mr. Fox's speech on opening his India Bill, they certainly came from some friend of that gentleman. The Major added a variety of observations to account for his having been so long under the impression that he had thus erroneously given way to.

Mr. Sheridan rose once or twice to correct Major Scott, and to beg that he would let the House know that it had been their mutual friend, and not he (M. S.) that had set him right as to the real purport and end of the message.

Mr. Fox expressed great satisfaction that the matter had been so well cleared up, and repeated what he had thrown out on Friday, the instant he heard the insinuation made, assuring the House that he never had entertained a thought of compromising with Mr. Hastings, as the speech he had made on opening his India Bill had sufficiently proved. It was likewise clear that he had been concerned in no treaty of the kind in question, or it would have been natural for him to have waited to have learnt how the treaty went on before he opened his bill. Mr. Fox made a great many pertinent remarks, till at length he was reminded from the chair, that the question had no reference to the species of argument he was using. Mr. Fox admitted the propriety of the correction, and proceeded to speak to the question, which he supported in a masterly style. He began that part of his speech with desiring that two of the Resolutions of the 28th of May 1782, might be read, and on those resolutions, and the letters of Major Brown from Delhi, he grounded most of his arguments to shew that the papers were absolutely necessary, as they proved that Mr. Hastings had acted in direct defiance of the resolutions of that House.

The Chancellor of the Exchequer, in a reply of some length, refused to comply with the Motion as tending to affect the policy of India, by opening the secrets of negociations in that country, which the peace and tranquility of Hindostan rendered absolutely necessary should remain undivulged. Major Brown's letter, the Chancellor treated as the unauthenticated effusion of a chimerical projector, that might neither deserve the credit of the House, nor affect the character of Mr. Hastings.

Lord North most ably argued upon the answer of the Chancellor of the Exchequer, treating with great force of ridicule the suggestion that Mr. Brown was a wild chimerical projector, wholly unauthorised in his proceedings by Mr. Hastings.

Mr. Burke spoke long, and with his wonted degree of animation; at the same time he read part of Major Brown's letter from Delhi, and of Mr. Hastings's letter from Lucknow, as a part of his speech, and declared if the insinuation of an Honourable Gentleman had been true, and he had been deserted by his honourable friend, and by all mankind, the great cause he was engaged in should not have abandoned, but even standing alone, he would have proceeded.

Mr. Vanfittart and Mr. Dundas each made short speeches.

At ten minutes before Twelve the House divided on the question, Ayes 34—Noes 88.

A motion was made as soon as the House was resumed, for copies of three letters, two from Major Brown at Delhi, and one from Mr. Hastings at Lucknow, which Mr. Fox rose to press for with some warmth. He said, if the papers stated in the question were refused, there was an end of asking for papers, however material to the prosecution those papers might be, and however free from any imputation of being dangerous or likely to affect the policy of India. He could not believe, however, that his Majesty's Minister would go the length of refusing the three letters in question; if he did, what a shameful fact would it not establish? Would it not then appear in broad and striking colours, that a Right Honourable Gentleman had persuaded that House to vote a number of strong Resolutions, not one of which he meant they should ever give force and efficacy to? Of the papers now called for, the House could already pretty well judge the tendency, since in the preceding debate they had heard the most material passages read and argued on. They must, therefore be aware, that no harm whatever could arise from producing them,



them, and making them public; he and his friends had duplicates of them already in their possession, and were perfectly masters of their contents; in refusing to let them formally be laid upon the table, the other side of the House would stand without excuse. Mr. Fox contended for some time, that it was in his mind impossible that they should do so; if they did, and pleaded that their granting the papers would affect the policy of India, he must declare that ever since he had sat in Parliament, he never had witnessed so disgraceful a conduct; his comfort, however would be, that however the Minister might withstand every individual Motion for papers, and prevent any thing like evidence from being obtained, however he might rely on the power of his majorities in that House, there was another tribunal, to which he must go for trial, the tribunal of the public, who would judge for themselves, and however the Right Honourable Gentleman might rest satisfied in assigning as a reason for rejecting his Right Honourable friend's motions, that, if granted, they would affect the policy of India, a reason too general to be combated, and which if admitted as a sufficient justification for refusal in every case, would amount to a direct vesting of Ministers with the power of protecting every delinquent, however criminal, and of quashing every enquiry and every accusation, however founded, at a single stroke. The Right Honourable Gentleman might rest assured, that though that House would be content, the honor of the nation would not be satisfied, nor would the people be pleased at seeing their representatives act in a manner so disgraceful to themselves, and so foreign to the purposes of substantial justice. Mr. Fox added a great variety of warm and pointed animadversions, all tending to enforce the reproaches which he declared the House would deservedly draw down upon itself, if the other side persisted in refusing paper and shutting out evidence. In the course of his speech he exclaimed, what a precious farce is daily acting within these walls! We see the friends of Mr. Hastings affecting to be eager that every paper called for should be granted? we see the King's Ministers rising to declare that every thing that can properly be granted shall not be refused; we see other gentlemen who call themselves independent men, saying by all means let the House know the whole, and be put into possession of every necessary species of information; and yet we see the same men all of them dividing together to enforce a negative to a motion for such information, and we see them helping each other out with hints and whispers during the debate, and pointing to matters apposite to the argument on their side the question, in like manner as my Honourable Friend and I would assist each other when we are maintaining the same point, and arguing for the same purpose!

The Chancellor of the Exchequer said he should say but few words in reply, and he hoped he should not be thought less right in presuming to withstand the present motion, if he did not follow the Right Honourable Gentleman's example, and make a speech full of angry words, delivered with all the vehemence of passionate expression. Notwithstanding what the Right Honourable Gentleman had thrown out by way of threat, no menaces should intimidate him, or induce him to quit that line of conduct, which he felt it to be his duty to pursue. The present Motion he should reject, and he trusted the majority of the House would support him in that rejection, when he informed them that it was neither more nor less than the same Motion as the House had just decided against admitting, only put into another shape. The Right Honourable Gentleman, he said, had misrepresented his arguments; he had not nakedly stated that the reason of his refusing his consent to the Motion just negatived, was because the papers then moved for would, if agreed to, affect the general policy of India, but because they would materially affect the policy of India, by leading to discover and make public certain secrets in the different negotiations that had been carried on, the discovery of which would tend to disturb the peace and tranquillity of that country, and lead to consequences that might be highly injurious to the British interests in India. For the same reason, he must refuse his assent to the present Motion, and for the same reason he should continue to refuse his assent to any other that should appear to him liable to produce a similar effect. Nor would the Right Honourable Gentleman's using expressions insulting to any individual near him, or what was still less defensible, insulting to the majority of that House, operate upon his mind in the least. He supposed the glow of eloquence that they had just heard, was to be accounted for by the Right Honourable Gentleman's having warmed himself with the conception of it in the Lobby, and being determined that a few happy thoughts and ardent expressions should not be lost upon the House; if so, the Right Honourable Gentleman had fulfilled his design, whether to the satisfaction of those who heard him much less to their conviction, the House would decide by their vote, which he trusted would go in support of the vote they had just given, and that the motion before them would, like the preceding one, of which in point of tendency and effect it was the exact counterpart, receive an express negative. Mr. Pitt said, he had before been together with the Right Honourable Gentleman to the tribunal he talked of, and he was ready to meet him there again. He complained of gentlemen's reading papers as a part of their speeches, which were papers produced before a secret Committee, God knew of whom obtained, but obtained from those who had *betrayed* their trust; such a practice cut up all the principles of political secrecy by the roots.



Mr. Sheridan and other gentlemen spoke afterwards, and the question was, as Mr. Pitt had predicted, lost, but without a division.

---

M A R C H 10th.

Mr. FRANCIS, at the desire of Mr. Burke, who was absent, moved for the printing of a certain selection of the papers that had been laid on the Table on the Motion of that Gentleman, for the purpose of grounding a charge against Mr. Hastings. Those particular papers, he said, appeared to his Right Honourable Friend to be more immediately necessary towards the prosecution; but lest from the making of this selection it should be supposed that there was no intention of making use of any of the remainder, he desired it to be understood, that it was his Right Honourable Friend's intention to avail himself of the whole of the evidence to be derived from all the papers, as well of those that were not to be printed, as of those that were.

The Chancellor of the Exchequer seemed inclined to wish, that all the papers should be printed, as it would take up more time for the House to make the selection than the printing of the whole; but, upon reflection, he suggested, that the Motion made by the Honourable Gentleman might be suffered to pass without further enquiry; but, at the same time, recommended it to some friend of Mr. Hastings to move for the printing of such part of the papers, as he thought immediately necessary to the defence of that gentleman.

Major Scott said, that the Honourable Gentleman who made the Motion, had himself been so candid as to suggest to him the very same advice that had been just given by the Chancellor of the Exchequer; which he should certainly follow, and for that purpose would look over the papers, in order that he might, on this day, make his motion; as he wished that the papers he meant to have printed should follow those moved by the Honourable Gentleman, as immediately as possible, to prevent the impression that might be made on people's minds, by reading one part of the papers without having the others to answer him.

Mr. Francis's Motion was carried.

---

M A R C H 18th.

AS soon as the Orders and business of the day, which were of various kinds, had been gone through, the Speaker called to Mr. Fox. That gentleman rose immediately, and desired that, previously to his troubling the House on the subject that he wished to bring under their consideration, certain of the Resolutions of the 28th of May, 1782, might be read.

Mr. Hatfell read those which Mr. Fox pointed out, and which immediately contained maxims and rules laid down by the House for the British Government in India to guide and govern its conduct by, in regard to the country powers, expressly forbidding the entering into engagements of offensive alliance with any of them.

As soon as these were gone through, Mr. Fox rose again, and began a very long and powerful speech with declaring, that he well knew, that before any endeavour was made for bringing forward a Motion for papers, in effect and substance, though not exactly in point of form, the same with a Motion that had been discussed and negatived on a former day, some apology was due to the House, whose attention and time ought not to be taken up lightly, or called for on any trifling occasion; but if he ever had reason to be dissatisfied with the decision of that House, if he ever thought a Motion of the first importance to the honour and dignity of the House required a re-consideration, it was his Motion for the Delhi papers, and that, because the decision the House had come to when they negatived it, had been a decision in the teeth of the Resolutions that had been just read, and in defiance of every sound and solid argument advanced in support of those Resolutions, in contradiction and controversy of which arguments no one rational idea or position had been stated. It was, therefore, for no light or trivial purpose that he again begged the House for the sake of its own dignity, for the sake of  
its



its own honour, for the sake of national justice and national character, to reconsider what they had decided upon, and before they confirmed a denial of the Delhi papers, (which he considered as exceedingly material to the solemn and serious accusations brought in that House against Warren Hastings, Esq.) which denial, it appeared to him they could not confirm, without loading themselves with disgrace, and impeaching their own honour and dignity, to weigh well what they were about, to reflect a little on the frivolous point of view in which such an ill-judged confirmation would place their own Resolutions, and the effect it must necessarily have upon the conduct of the Company's servants in India. He begged them also to recollect, that in passing the Resolutions of May 28, 1782, they had held out to the country powers of India a code of wise, wholesome and salutary laws, as the basis of the conduct of the British Government in India in future, and that the House had in fact pledged itself to adhere to the letter and spirit of their own Resolutions. These were surely great and important considerations, and considerations that ought to have a deep effect on the minds of gentlemen before they gave a vote, that involved in it so many and such interesting consequences.

It had been supposed by some persons, that our government and constitution was attended with certain disadvantages with respect to its intercourse with foreign states arising from the public manner in which many important parts of our administration must necessarily be conducted; but from this evil, if an evil it was, a most important good would be found to result, when it was considered how far this publicity tended to create a confidence in all other nations, and how strongly it contributed to bind us to certain defined and specific modes of political conduct. From hence it arose, that we could lay down, as we had done in the present instance, a particular system of proceeding, for the due observation of which all those states might reasonably look to us; an advantage not in the power of any arbitrary government whatsoever; for if a King were to issue an edict, setting forth the principles by which he intended to conduct himself, with respect to foreign nations, it would be received only as a notification of the will of the Minister of the day, who by death or disgrace might lose his situation, and leave room for a successor of different sentiments, who of course would pursue a different line of conduct; whereas with us, when the British House of Commons published a system of foreign administration, they not only committed the whole nation in the persons of their representatives, but absolutely bound individually, as well all those that had already been Ministers, and that had a prospect of being so for many years to come, as those who were so for the present.

In order still more to impress the House with a proper idea of the magnitude of the duty they had engaged to perform, when they voted the Resolutions of 1780, they were, he said, measures of a strong nature, and afforded, he believed, the first instance of that House's thinking it became them to depart so far out of their immediate province, as to interfere with any part of the exercise of the executive government; a circumstance that they certainly would not have consented to, but from the extraordinary complexion of the case, that seemed to call for peculiar notice and peculiar proceeding. Having premised these observations, he entered into a discussion of the principles on which the House usually called for papers, declaring that they never did it lightly, and that being conscious that they ought not to do it lightly, he never had, nor would attempt to move for any, that he was not convinced were absolutely necessary for some great and useful public purpose. The House he was aware ought not to grant any other, and it was true, he was willing to admit, that papers necessary for some great and useful public purpose might be called for, the producing of which might nevertheless be attended with mischief to the State, of such a dangerous tendency, as would more than overbalance the good that might arise from the purpose being answered for which they were moved, and which therefore afforded his Majesty's Ministers sound and cogent reasons for refusing them, and under such circumstances, it was undoubtedly their duty to refuse them. But though he was ready to admit this, yet he held that in all such cases, the refusal ought not to rest solely on the bare *ipse dixit* of a Minister; that many questions of confidence might, it was true, be agitated, on which a Minister's word ought to be taken; but then something at least ought to be stated, in order to convince the House that mischief might arise, if the motion were complied with.

In regard to the motion in question, the motion with which he should conclude what he had to say, for the Delhi papers, it had been on a former day stated by his Right Honourable Friend, the avowed accuser of Mr. Hastings, that those papers were material to the matter in charge, and therefore they had been called for; but, material as they were, if they were not granted, his Right Honourable Friend had declared he already was in possession of sufficient materials to prove and make good every thing that he had said at various times respecting the delinquency of the late Governor-General of India; his character, therefore, was *safe* and *on shore*. This Mr. Fox said, which he was satisfied was perfectly true, in respect to this Right Honourable Friend, he wished to be equally true in respect to that House. He wished that House to be *on shore* and its character *safe*. And therefore it was, that he should again call for the papers. But before he did so, let the House recollect, upon what ground the papers had been once refused.



It had been stated by the Right Honourable Gentleman opposite to him, that the papers were not essential to the charge against Mr. Hastings—that they proved nothing, Mr. Hastings not having authorized Major Brown to enter into a treaty with the Shah—and thirdly, that they involved in them secrets respecting the negotiations that had during the war been carried on in India, the divulging of which would tend to disturb the tranquillity of the respective powers concerned in those treaties, and to induce consequences that might be attended with danger to the general interests of the British state. Mr. Fox observed, for a second or two, on the nature of these grounds of denial, and undertook to prove that they either did not apply, or were not sufficiently material to justify withholding the papers. He took them into consideration separately, and discussed them under their respective heads; in arguing the two last, he relied much of his reasoning on the letters of Major Brown to Mr. Hastings, copies of which he held in his hand.

It is impossible for us to follow him closely through this part of his speech, but he reasoned very shrewdly, and contended that it was manifest a treaty of offensive alliance had been negotiated with the Mogul, which was directly contrary to the express Resolution of that House. It was manifest he also contended, from Major Brown's letter, that Mr. Hastings had authorized that negotiation, and that in Major Brown's opinion, good faith, morality and justice required that assistance should be afforded the Mogul, in compliance with the terms of that treaty. The emphatic words of Major Brown's letter, on which Mr. Fox chiefly relied, were these, "*we have offered to treat, he has accepted; we have annexed conditions, he has approved of them;*" these words, Mr. Fox maintained, proved incontestibly that the treaty commenced by voluntary offer on our part, and the subsequent words in which Major Brown in his letter proceeds to urge Mr. Hastings for the sake of the good faith, morality and justice of the British nation, to send troops to the assistance of the Mogul, to lay siege to certain districts of country, in order to drive out the inhabitants, and to give the lands to the troops for their subsistence, proved equally forcibly that the treaty was a treaty of *offensive alliance*.

Having endeavoured to make it evident that the Resolution of the House had been trampled on and contemned by Mr. Hastings in this instance, he proceeded to argue that it was more than matter of suspicion that the treaty was never intended to have been concluded when it was begun. In arguing this, he took notice of some words that had dropped from Mr. Pitt in the former debate on the same subject, when he was complaining that the Resolution had been infringed by Mr. Hastings, in having begun to negotiate a treaty of offensive alliance, Mr. Pitt had said across the House, "*a treaty never completed!*" Mr. Fox asked, whether he was to understand from those words, that it was taken as a merit, that the Company's servants in India got into this dilemma? They had violated the Resolutions of the House, by commencing a treaty which local or temporary policy might appear to make it expedient to commence, and then they had violated the national faith, by deceiving the Mogul, and refusing to conclude the treaty so commenced, thus proving to the Princes of Indostan, how little security was on the one hand afforded them by the code of laws held out to them in the Resolutions of the British House of Commons, and how little safety was on the other hand to be acquired by entering into treaties of alliance with the British government in India. He managed this part of his speech with great ingenuity, and great powers of reasoning; and gave it as his opinion, that in spite of any narrow policy that temporary distress or local circumstances might seem to call for, such as keeping the Mogul out of the hands of the French, or of Tippoo Sultan, it ill became a nation of great weight and character, like Great Britain, to depart from general systems, founded in wisdom and in justice, on any such petty considerations; that if such narrow policy was to justify a departure from a great parliamentary system, there was an end of the utility of laying down a code of laws, to be made the foundation of a government of simplicity, of publicity, and of good faith.

Mr. Fox added an infinite variety of arguments, in support of his assertion, that the whole negotiation had been secretly carried on by Mr. Browne, as the agent of Mr. Hastings, and at length he came to his third head, viz. That ground of refusal of the papers, on the plea that their production would betray some secrets of negotiation, the divulging of which would tend to disturb the tranquillity of the powers of Indostan, and prove dangerous to the safety of the State. On this head, he confessed he felt it was most difficult to argue, the other side of the House having given him so little to lay hold of, and not having said enough to enable him to guess even at what the danger could possibly be, that would arise if the State secrets, they so much dreaded to lay open, should be divulged.—Situating, however, as he was in these respects, he had no scruple to declare, that no State secret of any kind could justify the withholding papers that were to enable the House to support and substantiate the resolutions to which they stood solemnly pledged. For what was it, but to say to the Princes in India, "*We know our servants have committed delinquencies, and we are convinced that they have broken faith with you, but we must not enquire into their conduct, because that would betray State secrets! that would develop State*"  
mysteries



mysteries that must be held sacred?" Would not every man in India laugh at so absurd a reason for refusing to do justice? Would it not plainly appear that the Board of Controul, and that House, were following the exact steps of the old Boards of Directors? that they were laying down complete systems of Ethics in their orders and resolutions, but refusing to take the only means possible to enforce their performance? The effect of such conduct was too manifest to need illustration; instead of reformation in India, it would encourage abuse, and increase delinquency; the Board of Controul and the House of Commons would be answerable for having suffered the Company's servants, employed in the Government of India, to believe themselves secure from enquiry, and safe from punishment. What was it, but to put it in the power of a Minister to interfere in every investigation, and by his single *veto* put a stop to the process, and defeat the aim of that House in the exercise of its first great constitutional character, that of the grand inquest of the nation? Armed with such a power, what lengths might not a Minister proceed? Every criminal, however notorious his delinquency, however numerous his crimes, however injurious to the national honour, would only have to secure the Minister's protection to be able to laugh at accusation, and set conviction at defiance!

Having reasoned in this manner for some time, Mr. Fox endeavoured to prove that there could be no secret in question; and that it was not possible the papers called for could make any thing public, that was not already well known in India. If it were asked, why he, who was so strenuous for the publishing of every matter relative to India, and so urgent in contending that nothing respecting that country ought to be a secret, did not hold the same argument with respect to the European powers, and in like manner maintain that nothing that regarded treaties and negotiations between the Court of Great Britain and any Court of Europe, ought to be made a State secret in that House by any of his Majesty's Ministers? Mr. Fox said, he would answer that by asking this question: Had that House ever expressly laid down rules of administration for the executive Government, with regard to European power? most certainly it had not; and that for very clear and obvious reasons. Why had it done otherwise with respect to the administration of the executive Government of the British possessions in India? Because, from the series of abuses, mismanagement and delusion that had crept into the conduct of the executive Government in India, the British honour was tarnished, and the native Princes no longer had confidence in British faith; nothing, therefore, but the interference of Parliament could redeem the national credit, and restore it in the eyes of the Country Powers in Indostan. Having so interfered, and having laid down that code of laws that could alone support a system of Government adapted to the nature of the case, and likely to regain the confidence of the native Princes, viz. a system of Government founded on simplicity, publicity, and good faith. Would that House on the mere pretence of a State secret, without the smallest information to prove that there was a real State secret in the way, with nothing more than a Minister's *ipse dixit* for it, shut their eyes to what every man who was not wilfully blind must see the necessity of, viz. their proceeding to substantiate their resolutions, and fulfil their promises, to which they all stood so particularly pledged?

Mr. Fox directed several arguments to Mr. Dundas, and urged him on various grounds to rescue the House from the disgrace of having been persuaded by him to vote resolutions, which, if the papers were refused, it would be fair to say he never meant should be acted upon. Mr. Fox reminded Mr. Dundas of what had been done last year by the Board of Controul respecting the debts of the Nabob of Arcot, and said, if the Right Honourable Gentleman did not know the circumstance, he would possess him of it, but most probably he knew of it more correctly than he did; if he did not, however, he would inform him of the fact. It was this: that so far from the management then made being attended to, new loans were at this time going on, and new debts contracting. He went through a history of the events that had taken place in India since the negotiations in question had been carried on, and by stating the death of some of the parties, the extraordinary change of situation and circumstances of others, and the absence of Mr. Hastings from the country, endeavoured to prove that no bad effect could possibly follow the production of the papers described in his motion. After a great variety of particular statements of local facts, and of general reasoning, Mr. Fox concluded with moving for the Delhi papers.

The Chancellor of the Exchequer said, that if he had any inclination to get rid of the question he might easily do it, by objecting to its being put at all, for he apprehended there could be no reason why a second motion for the production of papers should be made in the session, more than for any other purpose;—however, for the present, he would not avail himself of the standing rule of Parliamentary proceeding, because he wished to answer some parts of the Right Honourable Gentleman's argument, and he sincerely hoped that his motion was sufficiently diversified to allow of its being argued a second time. He should in that hope give an answer to the Right Honourable Gentleman, which, however, he would endeavour to compress into as few words as possible. He agreed with almost every one of the Right Honourable Gentleman's principles,



principles, as well with respect to the policy of the East India Government as with respect to the right and duty of that House, to enquire into all the abuses that might arise in it.—But in the conclusions which the Right Honourable Gentleman had drawn from those principles, he widely and completely differed with him. He had formerly in debate, on a motion made by a friend of the Right Hon. Gentleman's, given his sentiments on the subject of granting official papers, for the purpose of facilitating a criminal enquiry, and he would again briefly repeat them. He was of opinion, that on a motion for papers with such a view, it was necessary first to shew a probable ground of guilt; next, that the papers required were necessary and relevant to substantiate that guilt; and lastly, that the papers might be made public without any dangerous consequence to the state. He should argue the present question on those principles, and if the House should not be perfectly satisfied, that on each of them the motion ought to be rejected, he should acquiesce in their opinion.

The Right Honourable Gentleman had charged Mr. Hastings with a number of offences, to which, as he had said, the papers now required had a reference.—The first charge was, that he had entered into an offensive alliance with the Great Mogul, and by so doing had acted in defiance, not only of the order of the Court of Directors, but of the resolution of that House, in approving of those orders by which they had prohibited the Government of Bengal from entering into any offensive alliance with the powers of the East. In the first place, those resolutions, which he admitted with the Right Honourable Gentleman, were singular in themselves, and only to be accounted for and justified by the peculiar situation of the affairs of India, did not prohibit in strict and implicit construction, every particular alliance of the nature alluded to, but only restrained a wanton habit of making such engagements; for it would be highly impolitic and absurd in all cases whatsoever, to forbid the making of offensive alliances, as there might situations occur in which they would be indispensably necessary; but in the present case it was unnecessary to enquire into the latitude that was left to the servants of the Company in India, to exercise a discretion in the forming offensive alliances, as he could shew, that in this, at least, there was no such alliance formed, nor authorized by Mr. Hastings.

The Right Honourable Gentleman had formed a presumption from the letter of Major Brown, that he had been commissioned by Mr. Hastings to negotiate a treaty of offensive alliance with the Mogul, and this was the only ground of such a suspicion, (to this Mr. Fox assented) the most satisfactory method of course, in which that question could be ascertained, was to read parts of Major Brown's correspondence, and to try whether it contained any thing to contradict or to confirm that presumption;—this he had accordingly done, and should again read a part of it to the House, by which they would be enabled to judge how far the Right Honourable Gentleman was justified in presuming that Mr. Hastings had employed Major Browne to conclude the alliance in question.—It was necessary for gentlemen to look back upon the situation of India, at the period when those transactions took place, by which it would be found, that at that time a most dangerous attack was made on the Company's possessions by the European enemy of this country, in conjunction with the most formidable of all the Princes of India, Tippoo Saib. That the last-mentioned Prince, well knowing the influence that the name of the Mogul had upon the feelings and the prejudices of his countrymen, was exercising all his endeavours to bring him over to his interest; that he was making him offers of assistance in reinstating him in the power and consequence which he had lost, and even of great sums of money to bribe him into his party, and that if he had succeeded an insurmountable addition would have been made to the difficulties under which the English Government had to struggle. That in order to counteract this, it became necessary for the servants of the Company to exert themselves to the utmost, to ingratiate themselves with the Court of Delhi, and by that means secure to their employers that great body of strength and influence which would naturally result from the countenance of the Shah; and this more especially, as the Mogul had recently lost his Minister, a person highly serviceable to the British administration, being closely connected by ties of friendship, with the Vizier, who was a decided favourer of this country; and that it was determined by the unanimous voice of the Council to send an Ambassador to Delhi, in order to secure, as much as possible, an amicable disposition in that Court. That Mr. Hastings appointed Major Browne to the embassy, and that his instructions were, first to fulfill the formalities of respect and compliment to the person from whom the Company acknowledged to hold all their possessions; next, to condole with him on the death of his Minister; and lastly, to consult with him on the means of restoring him to that power and consequence which his predecessors had enjoyed, but which he had been deprived of. He was also to encourage, with as much address and delicacy as possible, overtures of an alliance and applications for assistance from the Bengal Government, but was expressly directed to avoid any positive engagements until he should have referred to the Council the proposals made by the Mogul, and particularly an account of the manner in which any force that the Presidency might afford him were to be employed, and the resources by which it was to be paid.—These were the objects of Major Browne's mission.—The consequences of it was, that the Mogul, unwilling



to espouse the party of Tippoo Saib and France, expressed a great willingness to enter into a treaty of an offensive nature with the Government of Bengal, of which Major Browne gave notice to the Council, who refused to enter into it.—This circumstance of the attempts of the French and Tippoo Saib to unite to their joint powers the authority of the Mogul, reminded him of what had dropt from the Noble Lord in the Blue Ribband on a former debate.—The Noble Lord had paused for some time, to consider what connection there could possibly be between any European power and the Court of Delhi, and had particularly alluded to France. What, said the Noble Lord, has France to do with Delhi? and the Noble Lord had attempted to turn into ridicule the idea of supposing that it was necessary to secure that court, to prevent its falling in with the views of our enemies; but, from the facts that appeared upon the face of Major Browne's letter, on which, for other purposes, so much reliance had been placed, the Noble Lord might inform himself better on the subject, and see that France had very material objects in view in an intercourse and connection with the Court of Delhi.

[ Here he read that part of Major Browne's instructions which he had referred to before, whence it appeared from that Gentleman's own words, that he was expressly restrained from concluding or even proposing any treaty until he had laid the whole progress of his negotiation before the Council, and had their approbation to proceed upon.]

Being asked from the other side of the House what was the date of the letter? he informed them; and said; that that led him to another circumstance necessary to be observed; which was, that the letter bore a date subsequent to one of the periods in which the Right Honourable Gentleman had supposed Mr. Hastings to have given the instructions of which he complained. If therefore any such instructions had been given, it must, according to the Right Honourable Gentleman have been at the time when Mr. Hastings met Major Browne at Lucknow; but the Right Honourable Gentleman had marked that as the time when it was determined to depart from and violate the treaty, so that it was impossible he could have given at that time any such instructions. Thus he apprehended, he had sufficiently proved that no such treaty had ever been undertaken by Mr. Hastings, and if so, it was impossible that the other charge of having departed from and violated his treaty could have any place or authority whatsoever. The Right Honourable Gentleman had also charged Mr. Hastings with having carried on his negotiations with the Mogul, without the privacy of the council, contrary to the duty of his station; but here again were the records of the council to contradict him, for as the letters of Major Brown proved that he had not began a negotiation for an offensive treaty at all, so it was proved by those that he never intended to do so without applying to the Council for their encouragement.

As to the charge of having suffered the Mogul to unite with the Mahratta powers, which as a Right Honourable Gentleman (Mr. Burke) had said it was his duty, by force of arms, to have prevented; but before he went farther on that subject, he begged gentlemen to advert to the inconsistency of one gentleman's complaining of a governor for entering into an offensive treaty, and another as bitterly inveighing against him for not actually taking up arms, and this from persons who appeared to go hand in hand in the whole proceeding! With respect to this union of the Mogul with the Mahrattas, he had only to observe that if that had not taken place, one or the other of these two circumstances must have occurred, either that he must have fallen into the hands of the French and Tippoo Sultan, or become connected with the East India Company by such an alliance as was now so severely reprobated. But in fact, if he were inclined to do what his duty restrained him from doing—to lay open secrets which the interests of the country required should be concealed, he could easily prove that the junction of the Mogul with those potentates was of the highest advantage to the Company.

The Right Honourable Gentleman had objected to the mode in which the Court of Directors had enquired into the negotiation with the Court of Delhi making Major Browne the object of their enquiry, instead of his employer Mr. Hastings, whom they entirely passed by; but sure it was the severer method against the principal to apply to the agents in such cases, for it was putting him on his guard, and pointing out to him the necessity of proving against his employer all such facts, as if brought home to him, must in the end come upon himself, and was of course adding one person more, and that the most deeply interested, to the list of the accusers: so that in truth the calling upon Major Browne in the first instance, was the most likely way of bringing forth all the circumstances against Mr. Hastings, supposing the transactions to have been criminal, whilst it by no means tended to produce any thing in his favour. From all this it must appear that there was no presumptive grounds for a charge of criminality, sufficient to warrant the disclosure of papers that were alledged to be of a dangerous tendency, but as the Right Honourable Gentleman had said so much on that head, he should take up as little of the time of the House as possible, to give him an answer. He believed if he were determined to prove to the House that the papers were really dangerous and improper to be made public, he could do it in a very short and compendious way, to which he confessed he should be extremely  
1  
averse;



averse; this method in short was, by producing them, for he would undertake to say, that were they to be read by the members there could be but one opinion upon them, which would be that of censure on him for consenting to grant papers of a nature so extremely delicate, and so likely to injure our interests in India, by exposing to each other the views and considerations by which each of the princes of that country had been governed in their arrangement with us. He had, he said, been called upon to point out how the production of the papers would be dangerous; but surely if he were to attempt to do so, it would literally be to incur the danger; for how could he explain the danger of communicating secrets without in a great measure making the secrets themselves known? He had already said as much and perhaps more than he could with safety say upon the subject, and surely it could not be supposed but that if he consulted his own ease rather than his duty he must wish at once to consent to granting of the papers—and indeed, when he considered that as yet all the papers that had been granted were of a nature calculated to support the charges against Mr. Hastings, and that those now moved for were such as would place in a most conspicuous point of view, the most meritorious and brilliant part of his Administration, he could not help from motives of compassion and justice, lamenting that in compliance with his duty, he must object to their production.

The Right Honourable Gentleman had attempted to shew, that on the same principles as those on which the present motion was objected to, any delinquent servant of the public might be screened from punishment, and the censure of that House, by the bare *ipse dixit* of the Minister, “that the documents necessary to the proof of his guilt could not be produced with safety;”—but when circumstances such as he had mentioned, as well of the innocence, nay the merit of the transaction imputed, as of the extreme delicacy of the papers demanded were urged, could it possibly be said, that the question rested upon the *ipse dixit* of the Minister? Or could a precedent be established under such circumstances as the present that could ever apply to cases in which those or similar circumstances did not exist? and where they did exist he hoped there would never be any need of a precedent, but that common sense and the most obvious rules of political expedience would operate on the House to reject such applications.

Mr. Sheridan rose immediately as Mr. Pitt sat down, and began a very long speech with declaring, that all that had been said by the Right Honourable Gentleman contained little or no argument tending to answer and refute the reasoning of his Right Honourable friend, who had clearly and demonstrably proved, that the papers ought to be produced, that they contained manifest and undeniable evidence, that Mr. Hastings had entered into a negotiation of offensive alliances with the country powers, and that it was not possible for the granting the papers to be attended with the letting out of any secret likely to be productive of danger to the state. Mr. Sheridan treated the idea of its being a question of confidence in a light perfectly new, and extremely ingenious. He said, undoubtedly, if he or any gentleman had a confidence in an Administration, and a question for papers was moved in that House, affecting the executive government of the country, and his Majesty's Ministers, who were to be responsible, stood up and declared that the granting the papers would prove dangerous to the State, having a confidence in these Ministers, he should desist from pressing such a motion. But was that the case there? No such thing. The Right Honourable Gentleman who had just sat down, as his Majesty's Minister was not responsible for the administration of the executive judgment of India. That Government was not the Government of his Majesty, whose name and authority had not connexion with it. It was merely the government of a trading company, conducted by their servants, and therefore all ideas of confidence in the King's Ministers were out of the question. What was the Board of Controul? Nothing more than another Board of Directors, of a superior order indeed, and nominated by his Majesty in the first instance. But it was rather curious, Mr. Sheridan said, that the Right Honourable and learned Gentleman should be one of the persons, and perhaps the principal in talking of India secrets, and refusing necessary papers on that ground, when he himself had formed his own motions for papers in 1781 and 1782, in the broadest and most general words, calling for *all* the papers relating to the revenue, *all* the papers relative to the civil government, and so on. At that time, and it was a time of war, nobody dreamt of a secret respecting India. How happened it then, that when the conduct of Lord Clive was under enquiry, when every other India enquiry was going on, and that from the earliest periods it never had been discovered, that there might be a state secret in India, till the year *one thousand, seven hundred and eighty-six*. It was, Mr. Sheridan said, downright nonsense to talk with a grave face, about secrecy and the dangerous tendency of letting the papers moved for be seen, when it was well known, not only what were their contents, but every transaction they alluded to.

In order more fully to convince the House, that the papers would establish a most extraordinary series of duplicity in the conduct of Mr. Hastings respecting the negotiation with the Mogul, Mr. Sheridan went into a detailed investigation of every minute circumstance of the transactions of Major Brown, from the time of his leaving Calcutta, in October, 1783, to the arrival of Mr. Hastings at Lucknow, with all the relative facts of the flight of the son of the Mogul, of that



that Prince's reception by Mr. Hastings and the Nabob of Owde, the seizure of the old Minister of the Mogul, by the Vizier Aphrazead-Cawn, and the putting the Mogul into the power of Madagee Sindia, reasoning upon each particular as he proceeded, and deducing such inferences as he conceived the premises clearly warranted, all of which he contended concurred in proving that Mr. Hastings had acted in a manner so intricate and extraordinary, that though he by no means wished to be understood as suggesting it either as a charge or an insinuation, that Mr. Hastings was conscious of being guilty, yet with the purest innocence on the part of that gentleman, the suspicion it gave rise to, in his mind, was, that Mr. Hastings, from an idea that the party he considered as his political enemies, were in power at home, might entertain a wish to provide himself a refuge at the Court of Delhi.

After going through this long detail, which in spite of Mr. Sheridan's superior ingenuity, and many occasional traits of wit and pleasantry, was nevertheless, from the nature of the subject, extremely dry, Mr. Sheridan added some general reasoning, and pressed Mr. Dundas pretty closely on his acting so inconsistently as in his mind he said he did, in not either manfully standing forward himself the first accuser of Mr. Hastings, or being at least a warm supporter of the accusation. He asked what could be the reason of the backwardness of the Right Hon. Gentleman, who had built his fame on his conduct as a conductor of Indian enquiries? Was it that he thought to secure that situation he had acquired by prosecuting one supposed delinquent, that he took pains to protect another? Or was it from a kind of gratitude for East India delinquency, to which he had been so much obliged, that he chose to be its friend, and would not, as it were, kick down the ladder on which he had risen? Be it ascribable to what cause it might, it appeared to him highly inconsistent for the Right Honourable Gentleman to have moved the Resolutions of 1782, and to oppose substantiating them in 1786.

Major Scott rose after Mr. Sheridan: he said he was so confounded by the variety of matter which the Honourable Gentleman had uttered, and so struck with the wit and ingenuity which he had displayed, in treating on a very plain subject, that he knew not where to begin to answer him. He should rather prefer stating the transactions alluded to precisely as they happened, which he thought he should be able to do, without betraying any secrets that would be dangerous if divulged. But first, he must remark upon a very extraordinary supposition, made by a Right Hon. Gentleman the other night, and now repeated by the Honourable Gentleman, that Mr. Hastings had a view to his own situation and to the measures pursued by the late Ministry against him, when he encouraged the proposition of sending six battalions to Delhi without British officers; that is, if the bill of the Right Honourable Gentleman had passed, he would have joined the King at Delhi, and declared himself independent. He would first observe, that when the proposition for troops was originally made, in October, 1783, it was not possible for Mr. Hastings to have the most distant idea of what the Right Honourable Gentleman would propose the 18th of the month following in England, since the Chairman (Sir Henry Fletcher) knew nothing of it till he heard the bill opened, so that in this part of the business he could have no idea of the Right Honourable Gentleman's intended measures.

Six months after, when at Lucknow, Mr. Hastings did hear, on the 9th of May, 1784, that the bill had been twice read in that House and committed, and the Major said, he predicted in a letter to him at that time, that it would not pass; but added, as it personally concerned himself, it was not of the least consequence, as all the powers upon earth should not detain him another season in India, except on one condition—having absolute power; and he kept his word, having actually resigned seventeen days before a successor was appointed in England. That if Mr. Hastings had proposed to resist the legal authority of Great Britain, was there a man that could conceive him to entertain so monstrous, so absurd, and so ridiculous a notion, as that of retiring to Delhi, and joining the King with six miserable battalions of sepoy, without British officers? There was one, and but one way, that Mr. Hastings could have acted, had he ever entertained an idea of that nature. If he had been so far actuated by resentment for the unmerited return he met with from the late Ministry, for preserving to Great Britain all that was preserved to her, after a calamitous war, and had had thoughts of independence, he must have acted at the head of his fellow-subjects in India, for by no other mode could he have been respectable. Mr. Hastings, with the King at Delhi, where for the last ten years there have been almost as many assassinations and revolutions as months, would have been more inconsiderable than Mr. Hastings in London; but the fact was, Mr. Hastings was sincerely desirous of returning to England, and dreaded every event that should prevent him from so doing.

But as the Honourable Gentleman had mentioned the Right Honourable Gentleman's bill, he would tell him what was the general feeling in India upon it, as far as verbal information and all his letters could enable him to judge. The general abuse thrown upon all who were serving in India, during the progress of that bill, was read there with indignation, because it was the universal opinion there, that they deserved the thanks of the country for their exertions; added



to this, an idea prevailed, as every man was supposed liable to be turned out of the service by the Commissioners, that there would have been very great changes and alterations. These two circumstances certainly did create very great alarm, and Mr. Hastings stood very high in their good opinion; but his wishes were to return to England. Major Scott then observed, that Major Brown was sent to Delhi, in August, 1782, not by Mr. Hastings, but by the Governor-General and Council, whose Minister he was. That his instructions were approved by them; and that neither before he left Calcutta, nor at any time since, did he receive any others from Mr. Hastings; nor did Mr. Hastings ever write to him. Various obstructions detained him first in Owde, and afterwards at Agrai. In October, 1783, before Major Browne arrived at Delhi, a proposition came from the King and his Minister to Mr. Hastings and the Supreme Council for assistance. This Mr. Hastings would have granted, but his Council refused, and there the business ended for that time. It was necessary to observe, that Mr. Hastings was then, and had been for months before in a minority. On the 20th of January, 1784, Major Browne's letter arrived. The board had, in fact, determined upon the substance of it in October. Mr. Hastings a few days after left Calcutta, and nothing was done by the Council upon that letter. Mr. Hastings went to Lucknow on express points, to assist the Vizier in settling his country, and to recover the debt due to the Company. There had been long and violent disputes about Owde in the Council, but the three Members (Mr. Wheeler, Mr. Macpherson, and Mr. Stables) who had opposed Mr. Hastings for months, at length consented to his going to Lucknow, he being responsible for the Vizier's punctual discharge of his engagements. On these conditions Mr. Hastings accepted the trust, and to this point he was restricted.

After his arrival at Lucknow, the Prince fled from Delhi. Major Scott said, he had the assurances of Mr. Hastings, and the gentlemen with him, that he knew nothing of his flight; that he vehemently opposed his coming to Lucknow; but when the Prince declared he would throw himself at the door of his tent, he determined to receive him with the honours due to his rank. When Major Browne was deputed in June, to desire the Prince's return to his father's court, and brought the secret letter alluded to from the King, Mr. Hastings thought he could serve his Majesty, and relieve him from his difficulties, by the credit of the English name, without risking their arms or their treasure, and he wrote pressing to the Council for such powers. They were of a different opinion, and refused to grant them, and here this second business, which was not a negotiation, ended; for Mr. Hastings declared, from the first, he had not the powers requisite to assist the King. He left Lucknow in August; arrived in Calcutta in November; and resigned the government the 1st of February.

Major Scott said, the Right Honourable Gentleman had quoted two resolutions to prove Mr. Hastings had acted contrary to the orders of that House, and he desired the clerk to read a third, to prove that Mr. Hastings had acted in conformity to its order, when he proposed to assist him; and that he had used this as an argument to the Board, to prove their concurrence. He then said, that Major Brown was appointed the Minister of the Governor General and Council, and not of Mr. Hastings. That he had no other instructions but his public ones which were recorded. That from April, 1783, to the day of Mr. Hastings's departure from Calcutta, in February, 1784, he was in a minority; that he left Calcutta ten days after Major Brown's letter of the 30th of December, 1783, was delivered to the Board, and that it rested with them to recall Major Brown, if they thought he merited recall, for expressing himself more warmly than his instructions authorised him to do. The Major added, that he expected in ten or twenty days, Major Brown would be in England himself, when the whole of the correspondence would be produced.

Major Scott begged just to mention one subject more, the letter of the 30th of April, 1783, which was printed, and he declared, upon his honour, Mr. Hastings had sent him no copy of the letter; he had heard of it, and wished very much to get at it, and for this purpose it was moved to have it read in a General Court. This the Chairman opposed, but he was overruled, and he would tell the House why: Every Gentleman recollected that when a Right Honourable Gentleman moved his Bill, he pronounced all the Nabob of Owde's debts to be absolutely irrecoverable amounting to 750,000l. now it so happened that this letter contained an account of a great part of this debt being actually paid off, and ample security given for the remainder. There was a sort of party triumph in proclaiming this to the world, a weakness they all gave into sometimes, and as every proprietor had a right to a copy of every letter read in a General Court, he got a copy and sent it to Mr. Debrett to be printed, but on being spoke to by several of the Directors, he stopped the publication, till Mr. Debrett told him he had got a copy elsewhere, and then as his impression was worked off, he thought it might as well go forth as any other.

Lord North rose, not to tire the House with a long speech, but merely to make a few observations on some of the new matter that had been suggested that day; and first his Lordship took notice



notice of Major Scott's having declared that the Supreme Council at Calcutta had refused to assist the Mogul with any troops; this his Lordship compared with Major Brown's recommending to Mr. Hastings, in earnest terms, that in compliance with the treaty, which he spoke of in his letter in these words, *we offered to treat, he accepted; we annexed conditions, he approved of them.* This his Lordship observed was written in the plural number. It was *we* and not *I*. It appeared, therefore, that the Council at Calcutta had said *no* to Major Brown, meaning that Major Brown should say *yes* at Delhi. His Lordship played with great force of ridicule on the gross and palpable contradictoriness and duplicity of the whole transaction, and argued on many other matters that had fallen from Mr. Pitt and Major Scott, and repeated his declaration in a former debate, that the French had nothing to do at Delhi. He applied a part of his speech to Mr. Dundas, and said, his Right Honourable Friend had done himself honour by moving the Resolutions: in his opinion he would have done himself more honour had he maintained them.

Major Scott said a few words in reply to Lord North.

Mr. Fox also spoke to explain for a few minutes, and at ten o'clock the strangers were desired to withdraw. The House afterwards divided—Ayes 73—Noes 140.

The House rose at half after Ten.

---

*The following is a full Account of Major SCOTT's Speech on Friday.*

“ THE Honourable Gentleman [Mr. Sheridan] who has just sat down, has treated the subject in debate in so extraordinary a manner, that I am absolutely lost in astonishment, and find it impossible for me to follow him; yet I will endeavour, Sir, by a plain and faithful relation of facts, to render the subject intelligible to the good sense of this House; but if I were to attempt to answer the Honourable Gentleman's ingenious arguments in any other way, I should assuredly fail in the attempt. I shall never presume to dispute the abilities, the wit, or the ingenuity of the Honourable Gentleman, but I must lay claim to some knowledge of the subject before you, and in a debate on an Indian question, a residence of near sixteen years in that country may give me some advantage over the Honourable Gentleman, which it would be presumption in me to aspire to upon any other. But before I proceed to detail the circumstances of Major Browne's negotiations, permit me to remark upon a most extraordinary supposition in the conclusion of the Honourable Gentleman's speech, and I am glad he mentioned it, because it has already been mentioned in a former debate by a Right Honourable Gentleman [Mr. Fox]. One way of accounting for Major Browne's proposal for the British government of Bengal to assist the King with troops, is, that it was entirely agreeable to Mr. Hastings, and what renders it so suspicious is, that these troops were not to have British officers. The conclusion meant to be impressed upon the House was, and indeed it was stated too plainly to be misunderstood, that about the time this proposal came from Major Browne, Mr. Hastings had intelligence of certain events in England, namely, the Right Honourable Gentleman's India Bill, and that he was providing a secure retreat at Delhi, where he might resist the power of this country. An attention to dates oversets this suspicion in an instant. The proposal for troops was originally made in October 1783, and the Right Honourable Gentleman did not bring in his Bill till the following month. No one can believe that I had the most distant idea of the heads of that Bill; even the then Chairman of the Court of Directors, Sir Henry Fletcher, professed his utter ignorance of it, till it was opened in this House—so that at once there is an end to this suspicion.

“ At a subsequent period, in May, 1784, Mr. Hastings had heard from me that the Bill had been twice read and committed. In his reply to that letter, he had prophesied the fate of the Bill—he said it never would pass—and many gentlemen in this House have seen the letter. But he added, that to him it was not of the smallest consequence, since not all the Powers upon earth should detain him another season in India, unless upon one condition—that of having complete power from England, and of that he had not the smallest expectations.—He kept his word, for he quitted in February, 1785, seventeen days previous to the appointment of his successor in England:—But admitting for a moment, that Mr. Hastings, feeling strong resentment for the unmerited reproaches cast upon him in England, in return for preserving an empire to Great Britain, had determined within himself to resist that Bill—is there a Gentleman in this House, who supposes that any thing so absurd, so preposterous, or so ridiculous, as what the two



Honourable Gentlemen have insinuated, could have entered into his head.—What, Sir, to trust himself, with six miserable battalions of Seapoys, without British Officers, in a country where there have been for the last ten years almost as many assassinations and revolutions as months?—No man who knows any thing of India, can, for a moment, entertain such a thought.—There was one, and but one way by which such a plan could have succeeded, acting heart and hand with our countrymen in India:—But Mr. Hastings at Delhi would have been more inconsiderable than Mr. Hastings in London.—As the Honourable Gentleman has mentioned that India Bill, I will tell him what were the feelings of gentlemen in India upon it, as far as I have been able to learn them from letters, and the information of those who were there at the time it was heard of on the spot.—Our countrymen there conceived they had rendered great and important services during the war, and that they were as successful there as unhappily we were unfortunate every where else:—they therefore read with indignation and resentment the virulent abuse which was universally bestowed upon them while that Bill was in its progress through this House;—added to this, the general opinion was, that daily supercessions were to be expected, since removals and appointments in India were vested in the Commissioners.—Mr. Hastings was generally, almost universally esteemed, or more than esteemed, and the cause was a common one; if, therefore, he had entertained such ideas as the Honourable Gentleman would impute to him, Calcutta, and not Delhi, would have been his seat of Government; but in truth, he was anxious to conclude his business with the Vizier, and to embark for his native country.—Having stated this, Sir, I shall now beg leave to reply to all the ingenious arguments of the Honourable Gentleman by a strict relation of facts.

“ On the 20th of August, 1782, Major Browne was, by the Governor General and Council, not by Mr. Hastings, appointed Minister from the British Government to the Mogul:—The instructions were given by Mr. Hastings, with the knowledge and concurrence of the Board, and the material parts have been read by the Right Honourable Gentleman below me.—The policy of the embassy has not been disputed. In March, 1783, these instructions were rescinded. In October, 1783, before Major Browne had had an interview with the King, a proposition came from his Majesty and his Minister, to the Governor General and Council, for troops to assist him. The Mahratta peace, which had not been ratified when Major Browne was deputed, was at this time fully settled;—Mr. Hastings recommended a compliance with the King's request; but his Council rejected the proposition, and there it ended.—It is necessary to observe, that at this time, and for some months before, very violent disputes subsisted in the Council, and Mr. Hastings was in a minority.—These disputes continued, till in the latter end of December, the Board agreed to leave the Province of Owde to the management of Mr. Hastings, he relieving them from the responsibility, and he consenting to it.

“ On the 20th of January, 1784, Major Browne's letter of the 30th of December, 1783; was received and sent in circulation to the other Members.—The business of Owde was at this time the great subject of attention, and the Board had two months before declared to assist the King.—In ten days after this, Mr. Hastings, still in the minority, quitted Calcutta, and expressly confined by his credentials to the execution of that business for which he was deputed—namely, “ to assist the Vizier in settling his country, and to recover the debts due from him to the Company.”—The power of removing Major Browne, lay with the Board in Calcutta, who were not at that time, or were till just before his departure for Europe, very well inclined towards Mr. Hastings.—They did not remove him—but there was no further application from him or the King for military assistance at that time.—In the month of May, while Mr. Hastings was deeply engaged in arranging the affairs of the Nabob Vizier, the Prince arrived in the vicinity of Lucknow; and I can assert it for a fact, upon the solemn assurances of Mr. Hastings, and every gentleman then with him, that he was utterly ignorant of his flight, and that he took every step in his power to prevent his coming to Lucknow; but when it was not to be avoided, he thought it proper to receive him in a manner suited to the dignity of the Prince's station in Indostan. His answer to the Prince was surely wise and true. The King and his Minister afterwards sent a formal Embassy to require the Prince's return, and Major Browne was charged with separate commands from the King. Whether Mr. Hastings was right or wrong in his judgment, it is certain that he thought this a favourable moment to assist the King.—He earnestly pressed his Council to grant him authority, but they peremptorily refused it; and here this second negotiation ended.—Mr. Hastings never buoyed the King or the Prince up with an idea that he had any power to assist them, without first receiving the sanction of his Council.—One point is curious:

“ The Right Honourable Gentleman has quoted two Resolutions to prove, that to interfere unnecessarily in the disputes of the country powers, is contrary to the wish of this House.—Mr. Hastings quoted a third to his Council, to prove that it was the wish of this House that the



the first favourable opportunity should be seized of doing him a service ; for if the Resolution does not mean thus much, it means nothing—I desire the words may be read :

“ Resolved, That it is the opinion of this Committee, that the conduct of the Company and their Servants in India to the King, and Nudjiff Cawn, with respect to the tribute payable to the one, and the stipend to the other, and with respect to the transfer of the provinces of Corah and Allahabad to the Vizier, was contrary to policy and good faith ; and that such wise and practicable measures should be adopted in future, as may tend to redeem the national honour, and recover the confidence and attachment of the Princes of India.”

“ Now, Sir, this Resolution is an ample justification for Mr. Hastings, if he could assist the King without an *unnecessary interference* in the differences of the country powers ; but as his Council would not agree with him, he formally declared that he could not assist the Mogul, though all parties agreed in granting an asylum to the Prince, and the Nabob Vizier cheerfully afforded him the means of subsistence.

“ I must desire to observe, that Mr. Hastings’s deputation to Lucknow had no connection of any sort with Major Brown’s negotiations. There had been very violent disputes at Lucknow between the Vizier and Hyder Beg Cawn on the one part, and Mr. Bristow on the other. These were referred to Calcutta, and Mr. Hastings differed with his Council essentially upon the subjects in dispute. From May to December, 1783, these differences continued : and then the Council agreed to yield to Mr. Hastings, provided he would ensure the payment of the Company’s debt. He acceded to the terms—he prepared, on the Vizier’s invitation, to go to Lucknow—His offer was accepted by the Board, and his credentials confined him to the two points of assisting the Vizier, and recovering the balances due from his Excellency to the Company. These were in fact the only two points on which Mr. Hastings was deputed, and therefore his credentials, which this House has ordered to-day to be printed, were in every respect proper and ample. It is surely a strange conclusion to draw, that Mr. Hastings wanted to involve the nation in another war, because he declared his opinion to his Council, that if powers were granted to him, he would effectually assist the King, and make his situation much more comfortable than it had been for some years. If we are to judge from another event, we must think that Mr. Hastings could have performed what he promised. There was hardly a man in India who conceived a possibility of his doing what he did to extricate the Vizier at Lucknow, or to recover the Company’s debt.

“ The Honourable Gentleman has said, that Mr. Hastings’s letter, of the 30th of April, and the postscript of the 13th of May, were printed by me, and publicly read in a Court of Proprietors, and that therefore it is absurd to withhold the other papers. He is very near correct in this statement, but I will relate it exactly as it happened. I declare upon my honour that I did not receive a copy of that letter from Mr. Hastings, but merely a small letter upon a quarter of a sheet of paper, which came in the Company’s over-land packet, and was delivered to me at the India-House. This letter, which many gentlemen have seen, contained the prophecy of Mr. Hastings, that the Right Honourable Gentleman’s Bill would never pass, and his mere declaration to return the following season to Europe ; but I confess I was very desirous to get at the letter to the Directors ; and I will tell the Honourable Gentleman why. When the Right Honourable Gentleman brought in his India Bill, the House and this country were told that the balance due from the Vizier to the Company was above 750,000*l.* and never could be paid, and it was struck out of the Directors statement. Mr. Hastings’s public letter contained authentic accounts that the greatest part was actually paid in April, 1784, and an ample fund provided for liquidating the remainder, as well as for the current subsidy—and these funds have been fully sufficient, as later advices prove. Now, Sir, I do confess, that the triumph of party, by which we are all apt, at times to be actuated, did induce me to wish that by some means or other the public should be informed how erroneous the Right Honourable Gentleman’s statement, in a very material instance, had been proved to be. The only way to get at the letter was to propose its being read at a General Court. This we did.—The Chairman (Mr. Devaynes) objected to it, but we were too anxious to get at the main point to attend to his objections, and the letter was read. I had then a right to a copy of it, which I sent to Mr. Debrett to publish ; but being desired by several gentlemen not to publish it, I prevented its coming out, even after it was printed. But when Mr. Debrett had actually procured a copy from another channel, I then thought he might as well send mine forth ; and this is the state of the transaction. It was a mere party triumph, and not a very unreasonable one, when it was considered how deeply the Right Honourable Gentleman had committed himself on the most material point of the letter in question.

“ The Honourable Gentleman has asserted that the Vizier had no army, except our forces, commanded by British officers. Good God ! Sir, where can he pick up his intelligence ? The Vizier’s



Vizier's army I believe consists of 50,000 men, 15,000 of which are cavalry. Our force in his country consisted of one brigade at Cawnpore, six battalions at Futtyghar, and a small corps at Lucknow—but his own army is very considerable—I will assure the Honourable Gentleman that I never saw Mr. Hastings's secret letter of the 16th June 1784, to the Secret Committee of the Court of Directors, till I read it in his letter book, since this subject was agitated. By that letter it appears that he gave the Court of Directors the earliest intelligence of his views in favour of the King, and of their being counteracted by the refusal of his counsel to grant him powers. The following extract the Honourable Gentleman has not favoured us with, though the words are contained in the letter he has in part read, "My object is, with the possession of authority, to exhibit it as a means of negotiation, not to exercise it, and I am morally certain that had I possessed such a power at the time in which the event I have described took place, and while the minds of the principal actors were enfeebled with the recent agitation of it, I could have easily dictated the terms both of the King's deliverance from his present thralldom, and his son's return." Mr. Hastings did not possess the powers, the Counsel continued to refuse the powers, and he did nothing; but was it criminal in him to ask for them, in order as he thought to perform a service acceptable to the Mogul, this nation, and the East India Company?

"I am sensible, Sir, that I have not preserved a proper connection in the detail I have attempted to give you; I will therefore recapitulate in a few words what I meant to state to the House, declaring at the same time that I have my information from Mr. Hastings; and that Major Browne himself will, in all probability, be in England in twenty days:—Major Browne was appointed the 20th of August, 1782, Minister from the Government of Bengal to Delhi. His instructions were read and approved by the Board, then consisting of Mr. Whaler and Mr. Macpherson, and consequently were the Board's instructions. From this time he had no further communication with Mr. Hastings, nor any instructions at any time from him but those which I have mentioned. Mr. Hastings did not once write to Major Browne, or see him in August, 1782, till after he left Calcutta himself in February, 1784. Various obstructions prevented Major Browne's arrival at Delhi till a year and a half after his appointment; in March, 1783, the instructions were rescinded. Mr. Stubbs then being added to the Board, and Sir Eyre Coote having returned from the Court for a short period, from May, 1783, to the 20th of January, 1784, Mr. Hastings was in a minority. In October, 1783, the proposal for assisting the King with troops was debated. Mr. Hastings was for assisting him; the other Members were against it; and there it dropped. The same proposal was again repeated, though perhaps in different words, by Major Browne, on the 30th of December, 1783. This was received the 20th of January, 1784, and submitted to the Board; Mr. Hastings all the time in a minority.

"It does not appear that the Board did any thing upon this matter, or that they ever took it up after; but Mr. Hastings is not to be censured for that; he left Calcutta a very few days after, and was much indisposed at the time. The Council had the power of recalling Major Browne, if they thought he had exceeded his instructions, which were to encourage rather than to discourage a proposition for troops. They did not recall him; nor did they reply to his letters as I know of: but with this Mr. Hastings had nothing to do. At a distance of five months after the Prince's flight from Delhi, Major Browne came to Lucknow in June, 1784, earnestly intreated by the Mogul to explain the particulars of his situation, and to solicit assistance against Affrasiab Cawn; but the proposal of the 30th of December, 1783, was to co-operate with Affrasiab Cawn and the King. Mr. Hastings deemed the moment a favourable one to assist his Majesty; he applied to his Council for powers; he wrote to the Directors over land that he had done so: the powers were refused, and the business ended.—Mr. Hastings left Lucknow in August, and India the February following."

---

M A R C H 24th.

MAJOR SCOTT said he had three Motions to offer to the House in consequence of some papers that had been moved for by the Right Honourable Gentleman [Mr. Burke] relative to Benares.—His first Motion was, for an account of the period when the Directors first heard of the demand made by the Government of Bengal upon Cheyt Sing for five lacks of rupees, as his contribution for the expence of the war, for the year 1778, and to know what orders, observations, or protests, had been made by the Directors, or by any one of them, in consequence of a principle avowed and recorded by Mr. Hastings, on the 20th of September, 1778,  
 "That



“ That we were not precluded by any engagement existing with Cheyt Sing, from compelling him to contribute by extraordinary supplies to the relief of extraordinary emergencies.”

Mr. Francis did not see any other object in the Motion than a design to criminate the Directors for neglect. If that was the motive, he would heartily join, he said, with the Honourable Gentleman, who he thought very well knew the answer would be, *Non est inventus*—for no orders ever were sent on the subject.

Major Scott said, he certainly did believe the answer would be a *Non est inventus*, but it appeared to him very material the House should know it for a certainty, and he would state his reason. In some observations published by the Directors, in October, 1783, when an Honourable Member [Sir Henry Fletcher] was the Chairman, they severely censured Mr. Hastings and his Council, for demanding five lacks of rupees from Cheyt Sing. Now if he could prove that Mr. Hastings solemnly and deliberately recorded the principle upon which he acted, in September, 1778, and that it was received in England in May, 1779, and never noticed by the Directors, surely it would be fair to say, that the silence was acquiescence and approbation, and that the Directors, and not Mr. Hastings, were culpable.

Mr. Fox and Mr. Sheridan combated this, and said, that it might perhaps tend to prove how unfit the Directors were for their stations, but could not exculpate Mr. Hastings, and that the Right Honourable Gentleman [Mr. Dundas] was to blame for choosing such Directors. They professed not to see any necessity for the Motion.—Mr. Sheridan remarked on the different support given to Motions coming from different sides of the House.

Mr. Dundas said he was ready to give every paper that either side might call for, provided they could be granted without danger. With respect to the Directors, he said he had not the electing of them, and therefore was not responsible—but the paper moved for by the Honourable Gentleman [Major Scott] attended to transactions that happened long before the Board of Controul was established.

Major Scott said, that the argument respecting the Directors being unfit for their offices, if their not making a demand on Cheyt Sing till nine years after they heard it, would apply to both sides of the House. For an Honourable Gentleman, not now a Member, [Mr. Gregory] and an Honourable Member, [Sir Henry Fletcher] were in the Direction at the time the account was received relative to Cheyt Sing, and every year after, except when they were out by rotation, yet the Right Honourable Gentleman, [Mr. Fox] had fixed upon them to be two of the seven Directors under his Bill, and of the nine Assistant Directors, seven at least were in the same situation. He never heard that any one of the number had protested against the demand made upon Cheyt Sing, for three years successively, and enforced by military execution, until the subject was brought forward after the insurrection of Benares was canvassed in 1782.

The Motion was carried, and Major Scott put his second Motion, which was to the same effect as the first, for the second year, and was meant, as he said, to prove that though this second demand was enforced by military execution, it had passed unnoticed either by the Minister or the Directors.

Some observations were made in this motion also, as to its irrelevancy, by Mr. Fox.

Mr. Pitt observed upon it, that though it could be no justification for Mr. Hastings, if he had done an act originally wrong, for that act; yet if it appeared that he transmitted the earliest intelligence of what he had done, accompanied by his motives for doing it, and if the power which had a right to controul him, did acquiesce in it—that such an acquiescence was approbation. He did not know what the answers would be to the Motions, but it appeared to him that the Motions themselves might pass.

The second and third Motions were then put, and passed without a division.



A P R I L 3d.

THE Order of the Day being read for the House to resolve itself into a Committee of the whole House, the Speaker left the Chair, having previously put the question on motion, that all the Reports of India Committees, from the year 1772, and all the Papers from the India House that have been laid on the table since the beginning of March, be referred to the said Committee. Mr. Orde took his seat at the table.

Mr. Burke then rose, and said the course of his proceeding would be, to call some of the Gentlemen to the Bar, who had been ordered by the House to attend that day as witnesses, and examine them for the purpose of authenticating certain papers already in his possession, relative to the transactions at Owde, with regard to the treatment of the Royal Family, the imprisonment of the mother and grandmother of the King, and the putting other persons of quality in fetters, with a view to extort money from them. The papers, he said, ought to have been at the India House; he should, therefore, establish their authenticity by oral evidence, as well for the sake of enabling himself to lay them on the table as written evidence, as of proving that the Governor General had withheld the communication at home of such papers of importance, as it was his undoubted duty to have communicated; and first he desired, that Captain Leonard Jaques might be called in.

The Master of the Rolls rose to state the extreme necessity of their proceeding in the most wary manner, when the whole weight of that House was about to be brought forward to press an individual to the ground, whether properly or improperly brought forward he would not say. He had, he said, fully expected when he came down that day, to have heard the Right Honourable Gentleman state the charges that he meant to bring forward, against Mr. Hastings, that he and other gentlemen might be able to judge how far the parole evidence to be adduced at the bar bore upon the charge, as well as whether the charge was a criminal charge or not, and such as it became the dignity and justice of that House to entertain. As to the mode in which the Right Honourable Gentleman meant to proceed, he was so little able to guess even at its nature, that he hoped the Right Honourable Gentleman would state more specifically the facts in charge to which he meant to examine the witness he had just asked for, before he came to the bar, in order to enable the House to act conscientiously and justly on a transaction of so much importance. He knew not, Sir Lloyd said, much of the forms of proceeding upon criminal matters in that House, but with the practice of places more immediately relative to the profession to which he had the honour to belong, he was pretty familiar; and though he could not say much of the practice of that House as the grand inquest of the nation, he well knew that it was the practice of the grand inquest of every county, when a criminal prosecution was brought before them, to hear a positive specific charge first, and then to go into the evidence, and find a bill of indictment. He should suppose that something analogous to that practice either did, or ought to obtain, in respect to criminal prosecutions carried on by that House. Certain, however, he was, that it behoved them to act with more than ordinary caution in the proceeding then carrying on by them against an individual, especially when it was considered that the whole business lay in the hands of a gentleman of great and acknowledged abilities, and as that gentleman was known to possess as much candour as any man living, he appealed to him, to his candour, and to his conscience, whether it would not be fair in respect to the supposed delinquent that the charge should be specified in some sort at least, or so much of it as the witness just named would be called upon to speak to before he came to the Bar.

Mr. Nicholls rose to declare, he perfectly coincided in every syllable the Right Honourable Gentleman had said. He had, indeed, been of opinion, after several of the papers had been moved for, that the charge ought to be opened to the House; that they might know where they were going, and be able to judge how far the papers called for were necessary to establish the charge. Mr. Nicholls stated the practice of criminal courts of justice upon indictments, and argued the propriety and necessity in point of justice that some specific criminal charge should be made out before they proceeded farther.

Mr. Burke said, so much did he admire and respect wisdom, that he would bow even to *late wisdom*, but surely if instead of learned Gentlemen of great weight and authority, because, at the head of their profession; instead of the Master of the Rolls, the Solicitor General, and the learned Right Honourable Gentleman he saw opposite to him, coming down so late in the progress of the proceeding as the stage of the Committee to which they had that day arrived, in order to set the House right and guide their steps in the business, they had come down at first, and  
been



been so good as to have let them have the benefit and advantage of their superior legal knowledge, their conduct would have been more kind, and their behaviour more friendly to the House and to him. The Right Honourable Gentleman had talked of the weight of that House being exercised to crush an individual to the ground—he might rest assured that neither that House would suffer its weight to be used in the unjust pressure of any individual, nor would he attempt to use it for any such purpose. But in truth the weight of that House in a prosecution of an East-India delinquent, was not to be considered as of that dreadful nature; it would not be felt to be equal to a feather upon any individual, as experience had again and again shewn. The loins of that House upon a criminal weighed not so much as the little finger of the law, nor was it so likely to crush him to the earth. For his part, he meant, through the whole of the proceeding, to shew himself as open as possible, more so than perhaps was well for the part he had undertaken, but certainly not more so than was fair. With that view he had, in the outset of the business, laid down the grounds of fact in a general manner, upon which he was induced to presume guilt of a great and enormous nature in the Government of India, and in order to establish which, as a matter of criminal charge against Warren Hastings, Esq. he had called for certain papers, most of which had been granted, and some denied.

The papers already upon the table were those on which he should rest much of the various charges he meant to bring forward, and he had other papers extremely material to the establishment of the charge, that he wished the House also to have before them, but it was impossible for him to produce them until they were authenticated, and the witnesses he meant to call, he knew had it in their power to authenticate them. As far as they had gone, the House, and not he, were answerable. Any thing, therefore, that the learned Gentleman had to suggest against the order or form of their proceedings, must go in censure of the House, because the papers he had moved for were many of them granted. He had then moved for a Committee of the whole House, and that the House had also granted; and he had moved for certain witnesses to establish by oral evidence the authenticity of the written evidence he had in his possession; which witnesses the House had ordered to attend, and they were at that moment in a Committee for the purpose of calling in and examining those witnesses. The whole of the proceedings hitherto were proceedings sanctioned by that House, and surely when the House had ordered a Committee it was not merely for the purpose of putting the Chairman into his seat at the table, in order that he might leave it the moment he sat down, without doing any one other thing in the Committee.

The cause he was bringing forward, Mr. Burke said, was one of the most important and most considerable ever agitated by Parliament; it behoved that House, therefore, to be careful of its own honour, and by no means to appear desirous of restraining evidence or preventing full information on the subject. The Right Honourable Gentleman and the other learned gentleman in his eye, had they attended in the early part of the business, would have heard him state the outline of the charges, the better to establish which, he had since found it necessary to call for so many papers. The Right Honourable Gentleman had, he observed, appealed to his candour, and he would prove to him that he had not appealed in vain, by reading again a paper that he had before read to the House, and upon hearing of which they had not ventured, except in one or two instances, to refuse him the papers he asked for. Mr. Burke here read the paper which consisted of a summary statement of the principal facts in respect to the conduct of the British in the kingdom of Owde; and to the transactions at Owde, he said, he meant solely to confine himself in his first enquiry. With regard to the learned gentleman's allusion to an indictment and a criminal trial in the Courts below, the comparison would not hold with that House. In their proceeding at present, they rather resembled the presentment of a Bill than any thing else; certainly they in no sort resembled a jury trying a cause.—Having added several reasons to prove that their proceedings in cases of criminal prosecution were clear, distinct, and peculiar to themselves, he repeated his appeal to the honour of the House, to suffer the witnesses, whom they had themselves ordered to attend, to be called to the Bar and examined, and therefore he once more desired that Captain Leonard Jaques be called to the Bar.

The Master of the Rolls rose to take notice of the Right Honourable Gentleman's having suggested that he and others of his profession had been brought down that day for the purpose of preventing the witnesses from being examined; so far from it, he most solemnly declared that he had not communicated or consulted with any individual upon the subject, and when he came down, he protested he came down expecting to have heard the charges intended to be brought in against Mr. Hastings, stated by the Right Honourable Gentleman. When the Motion was made for calling Captain Jaques to the Bar, he cast about in his own mind to find, if he could, whether that mode of proceeding was fair and just to the supposed delinquent, and to ask himself how far it approached any sort of process of criminal jurisdiction that had come within his knowledge, because he felt the great magnitude and importance of the business, and was fully convinced that the House could not proceed with too much caution. He quoted Sir  
Michael



Michael Foster in his excellent Treatise on the Crown Law, in which, speaking of Parliamentary prosecution, Sir Michael says, it is the duty of the House of Commons to be more peculiarly guarded than any other, because of their extraordinary severity, all the people of England being virtually the prosecutors of one man.

In the present case, Sir Lloyd said, practices had been resorted to, the most scandalous and the most unjust. Pamphlets artfully calculated to prejudice those who were to sit in judgment on the impeachment (should any go to the Lords) had been sent under cover to noble Lords, with a view to inflame their passions and mislead their judgments. In like manner, newspapers, crammed with articles calculated to the same end, had been industriously circulated. Such conduct was equally indecent and unjust, and consequently every way unworthy those concerned in it. On such occasions it had been usual for the law courts severely to punish the offenders, holding it a daring contempt for to publish any thing whatever while a criminal cause was pending. Sir Lloyd commented on this for some minutes, and said, the particular publication that he happened to take in, and which he read with great pleasure, contained a state of the case upon the present subject, very ingeniously put, but in the most unfair way possible; and he had seen a pamphlet that had been sent under cover anonymously to a noble Lord, whose name, if it were necessary, he would mention, that was clearly published for the same iniquitous purpose. Whoever was guilty of these practices, he should be glad to see severely punished; he added, that he hoped and believed none of the accusers of Mr. Hastings, to whom he declared he was a profound stranger, either countenanced or encouraged any such practices. He repeated his earnest wish that a list of charges might be given in before they proceeded any farther, that they might know what they were about, and where they were going.

Mr. Fox rose to support his Right Honourable Friend, and to declare that he was of opinion he was perfectly right in wishing to have his witnesses parole evidence taken then. Mr. Fox went over several of the circumstances that had occurred in the course of the proceedings hitherto; and first, he reminded the Committee that his Right Honourable Friend had not only opened some general grounds to the House at the commencement of the business, but on moving for each specific paper, had stated the particular facts, to prove which the paper was called for; the Committee knew enough, therefore, of the general grounds of the charge to be laid in future, to see the necessity of calling for the witnesses at that time. Mr. Fox entered into a discussion of the nature of the charges to be made, and said it was his Honourable Friend's intention to keep each article of charge as separate and distinct as possible. There was one species of criminality, however, so implicated and involved in all of them, that it would be difficult; if not utterly impossible to separate it, and that was the uniform and invariable neglect on the part of Mr. Hastings to send home and communicate full and complete information of what passed in India to the Directors. That pervaded every charge, and was to be met with at every place; and mixed in every transaction. Mr. Fox said, the matter in contest was merely a question as to the form of their proceedings rather than any difference of opinion upon other points. He then argued very strenuously upon the necessity of calling the witnesses to the Bar, shewing that it was in consequence of an Order of the House that they attended for that purpose.

Mr. Cornwall (the Speaker) rose in order to endeavour to settle the form of their proceedings, which appeared to him extremely essential, and important to be adjusted before they went further, since an error in that respect might establish a very improper precedent. The better to bring all the circumstances of the case before the Committee, that they might see precisely how they stood, Mr. Cornwall recapitulated every single step that had been taken from the commencement of the business to that hour, as well as stating Mr. Burke's declarations at the onset and at different times, as to the course of proceeding that he meant to adopt and to pursue. Having delivered both with singular accuracy, he described the modes that struck his mind as the only possible modes to be adopted, and followed intelligibly and effectually; and the result was, that the whole depended on the question, whether that Committee was a Committee of Enquiry, or a Committee appointed to receive a Charge or certain Resolutions tantamount to a Charge? After stating various reasons for his opinion, Mr. Cornwall declared it forcibly struck him that the Committee was not a Committee of Enquiry, but merely a Committee to receive a Charge, and that in stating the Charge, the Right Honourable Gentleman would attach to it, or to the resolutions he should propose, criminality of a certain colour or quality; it would then remain to be seen whether the Charge or Resolutions were grounded on facts, and whether the criminal colour and quality attached really belonged to those facts. That being his opinion, he did not think the Committee could receive oral evidence, they were not directed so to do, and if it had been moved that the written papers should be read, upon the same principle that he was against receiving oral evidence he should have objected to the reading a single line of the papers.

Mr. Cornwall's



Mr. Cornwall's speech gave rise to a long and desultory debate on *form*, which was tedious and dry to a degree. We shall not attempt to follow it in detail, but shall content ourselves with stating a feature or two of each speech.

Mr. Fox replied to Mr. Cornwall, and admitted that the Right Honourable Gentleman had, with correct memory, recapitulated every thing that had passed in the House in the course of the various debates and conversations that had already taken place on the subject, but he could by no means agree with the latter part of the Right Honourable Gentleman's speech. Mr. Fox said, he knew not that any Committee was formally entitled a Committee of Enquiry; but he nevertheless was satisfied that the business of the Committee was to enquire into the grounds of evidence, and examine the witnesses; else why had the House referred the papers to them, and ordered the witnesses to attend? He concurred in the opinion that on this case the written and the parole evidence were one and the same, and to be treated in like manner; but the manner of stating and supporting the several charges, could, he conceived, only be by selecting the facts from the evidence before the House, and referring to the papers from which they were selected. Now that being the case, how could his Right Honourable friend refer to evidence not yet delivered, or in possession of the House?

Mr. Cornwall said a few words in explanation.

The Solicitor General began an ingenious reply, by declaring that for one he fully expected to have heard the charge stated that day by the Right Honourable Gentleman, and with that expectation he came down to the House. Mr. Solicitor entered into a long argument to prove that the proper and strictly formal mode of proceeding was, by stating the charge first, and annexing additional references to it afterwards; by that means the Committee would be enabled to examine the witnesses, knowing to what their evidence was to be applied. The voting an impeachment he described to be immediately analogous to the finding of a Grand Jury, and reasoned a good deal on the probability of a great part of the charge not being impeachable matter. The word *evidence*, he said, of itself implied a charge, since every body knew it signified the making the grounds of a charge evident; now no man who regarded his reputation would like to have a bill of indictment found against him, although he might afterwards be acquitted by the petty jury. The liberal and judicious would certainly not think the worse of him, but the bulk of mankind would be strongly prejudiced, and where one set of men on their oaths had supposed that he *might* be guilty, although another had decided that he *was* innocent, still an unreasonable impression would remain. Mr. Hastings, he observed, had a great reputation at stake, and as every man was presumed to be innocent till he was proved to be guilty, it behoved that House, in justice and in candour, to avoid fixing any thing like a stigma of guilt before they knew that it was merited. Mr. Solicitor cited several cases of Parliamentary prosecutions, in support and illustration of his argument.

Mr. Burke in reply, in strong terms, warned the House against doing any thing so incongruous as to call their own acts in question, and what they were now urged to do, he said, was neither more or less than to reprobate their former proceedings. Mr. Burke in reply to the idea that the charge ought to be stated first instead of the evidence, out of which it would naturally arise, said it reminded him of a parcel of philosophers who were disputing among themselves the reason why a flock of sheep ran faster when the wolf came than at any other time, when a poor simple fellow like himself said, "but before you enter deep into your controversy, would it not be wise to ascertain the fact and to see, whether sheep do run faster when the wolf comes than at any other time?" Mr. Burke again touched upon the appearance of the Crown lawyers that day, declaring his suspicions of their doctrine and its motives.

Mr. Jenkinson denied that the Gentlemen of the Law had either been brought down to oppose the motion, or that what they had said by any means tended to desire the House to reprobate its former proceedings. Mr. Jenkinson supported the arguments of the Master of the Rolls, and read a case from the Journals in corroboration of his argument.

Mr. Ellis argued the other way, and contended that the practice of that House had been different from what had been stated. He cited the parliamentary proceeding against Sir Robert Walpole, when an enquiry into his whole 20 years administration was the object proposed. Mr. Ellis and Mr. Jenkinson both displayed great abilities.

The Lord Advocate rose to exculpate himself from the imputation of having been brought down to oppose the examination of witnesses, declaring that he really had imagined their business that day would have been to have heard the charges of the Right Honourable Gentleman, that they might know what they were about, and not proceed any farther in the dark. He said he never heard of an inquisition after guilt, until it was known that guilt existed.



There was no such practice in any part of Great Britain. Supposing that a man was found murdered, in that case the Coroner held his inquisition in order to find who it was that had committed the crime, for the crime was notorious, but the crime should first be ascertained, and the party accused of it, and the witnesses examined to prove the guilt; but never bring witnesses to be examined before a charge was made, much less before guilt was proved, or a crime was known to have been perpetrated. In the case of Mr. Hastings, what was the guilt? Was India lost? Were our dominions there diminished? Were they not rather enlarged? Had such a proceeding been instituted in the case of the American war? Then the guilt appeared *prima facie* from the loss of thirteen provinces, and from the capture of a whole army, and many other obvious miscarriages. On the contrary, in the East, there was the strongest reason at first sight to applaud, rather than to condemn the Government of India, from the whole of our possessions there being preserved, and from the present flourishing state of them. His Lordship said, the House ought to feel the dignity of their situation as Judges, and to act with the utmost candour.

Mr. Sheridan rose to set the learned Gentleman right in two points; they were then not fitting as Judges, nor did Mr. Hastings want an advocate; neither was the loss of thirteen provinces, nor of a whole army at all in point of the subject under consideration; but he owned, he said, he was a good deal surprised at hearing the learned Lord severe on Lord Cornwallis, for when he talked of the loss of an army, he presumed the learned Lord must have meant him (*a loud laugh*) and surely Lord Cornwallis was at this time a favourite with Administration! Their giving his Lordship the appointment of Governor General, proved clearly that his sins were forgiven him, and his pardon signed. Mr. Sheridan said, that if the Committee were rigidly to adhere to forms, they had it not in their power to receive any charge, notwithstanding the charge had been called for too often. He desired that the Order of the Day might be minutely and distinctly read, which being done, Mr. Sheridan contended that the Order clearly confined them to the examination of the written, and to the receipt of the parole evidence, and that the natural duty of the Committee would be to make a report, out of which report the House would have to draw and extract the charge. If therefore the arguments of the Gentlemen on the other side of the House were to prevail, the report must necessarily be to this purport, "Our Committee have not examined the evidence, which you referred to us, and directed us to investigate; but we report the charge, which you did not direct us to receive." Mr. Sheridan added other ingenious arguments in support of the motion.

Mr. Burke rose next, and in order to meet the argument of gentlemen of the other side of the House, proposed an amendment, expressing more fully the object of calling Captain Jaques to the Bar, by adding in words, that he was to be examined touching a letter sent by him to Mr. Nathaniel Middleton and to Joseph Richards, Esq. which gave an account of the confining the King of Owde's mother and grandmother, and fettering others of the royal family, for the purpose of extorting money from them. Mr. Burke ridiculed the Lord Advocate's idea, that because India was not utterly lost and gone, the conduct of the government, and the person who held it must be laudable. Such an argument, he said, was absurd in the extreme, since the tendency of it went the length of asserting, that any delinquency, short of losing the country, was not to be complained of. And therefore unless it happened as in the old fable, that the Devil came and flew away with the house and all, no mischief could be sustained, the door might be forced, and the bureau and escrutoire pillaged and plundered, and the owner have no claim to redress.

Major Scott said, he wished to state to the Committee what the Right Honourable Gentleman, Mr. Burke, had said on a former day, and he would be in the judgment of every gentleman present, if the facts he should state to the House were not precisely correct. He knew there were many on the other side of the House who would correct him if he should be wrong. When the Right Honourable Gentleman, above six weeks ago, opened his mode of proceeding, the Major said he earnestly pressed him then to bring forward his charges, but the wisdom of the House, to which he bowed with all submission, determined first to grant him papers. On that day three weeks, however, the Right Honourable Gentleman did actually appoint that very day, either to move Charges, or Resolutions, which were to be the foundation of Charges; and he went further; his words were, that considering the variety of matter he had to bring forward, having a government of thirteen years to go through, he trusted the House would not think three weeks a very distant day for him to produce his charges. The Major appealed to all sides of the House to declare, whether those were not precisely the expressions Mr. Burke had used; and now that the day was arrived, what, he added, is the mode of proceeding? Instead of producing a single charge, the Right Honourable Gentleman desires that Captain Leonard Jaques be called in; his Motion he amends by adding, for the purpose of authenticating certain letters written by him to Messrs. Middleton and Johnson. Will the Committee suffer this ridiculous and contemptible Motion to pass, at the very moment



ment that they have a right to call upon the Right Honourable Gentleman for a performance of his promise?—[Here Major Scott was called to order]—He apologized for the expression, but said he did not mean it as personal to the Right Honourable Gentleman; all he meant to say was this, that he came down, as he believed every gentleman near him did that day, to the House, with the firm persuasion of hearing what the charges against Mr. Hastings were to be. The Motion before him did appear perfectly ridiculous; for what was Captain Jaques to prove—that he wrote certain letters to Messrs. Middleton and Johnson; and suppose the fact to be so, how did it affect Mr. Hastings? If the letters were of such a nature as these gentlemen ought to have sent to the Governor-General and Council, the omission might be neglect of duty in them, but could not possibly affect Mr. Hastings; therefore he had a right to say the Motion was a ridiculous one.

The Right Honourable Gentleman affected to hold in great contempt pamphlets and newspapers; Major Scott said, he was of a different opinion, and though the business of Mr. Hastings had been so long depending, he had to this moment but one way of guessing at the charges, and that was by reading a pamphlet published by that Right Honourable Gentleman himself, two years and four months ago, titled “Mr. Burke’s Speech of the 1st of December, 1783.” This delay in bringing the Charges against Mr. Hastings, had been attended with all the ill effects he had predicted. The newspapers had been filled with the most scandalous misrepresentations; but Major Scott said, he held in his hand a pamphlet that had been circulated within this week, in a manner so infamous, that the person, whoever he was, who was guilty of such an act, deserved every approbrious epithet that could be bestowed upon him by men of honour of all parties. A learned Gentleman (the Master of the Rolls) had already spoken of the proceedings in terms of abhorrence. He begged to state a little at large, the pamphlet and the manner it had been circulated. He had the permission of a noble Earl, a Member of the other House, to whom it was sent, and who received it with indignation, to mention his name, if any Gentleman thought proper to call upon him. The pamphlet contained a letter from Mr. Hastings, dated the 21st of February, 1784, and a copy of the letter had been laid, by order, before that House. To the letter was added a number of malevolent and ill founded remarks, all tending to impress the minds of Gentlemen who should read it with unfavourable impressions of a man against whom an impeachment was threatened, and by the penny post, under blank covers, had this pamphlet been sent to many Members of that House, and perhaps of the other; one noble Earl in particular had received it, and had in the most unequivocal manner, reprobated so infamous and shameful a proceeding. Major Scott said he would only relate the fact; the unprincipled and dishonourable character who had iniquitously attempted to stab a man in the dark, who was so soon to be the object of a public enquiry, remained concealed, and probably would continue so, since he was happy to say, that there was but one sentiment amongst men of honour and integrity upon such a conduct. The Major said, he now mentioned it for the purpose of imploring the Committee not to permit the Right Honourable Gentleman to continue a mode of proceeding, which subjected Mr. Hastings to such malevolent and scandalous attacks, and he was confident that the justice, dignity, and honour of the House, would be auspicious in their decision on the present Motion.

Sir Grey Cooper wished, that the Committee should understand the jet of the question, which he conceived to turn entirely on the doubt whether that was a Committee of enquiry or not? Sir Grey entered into a detail of the leading facts to the appointment of the Committee, the reference of the papers to it, the reference of the witnesses, reasoning from those premises, and admitting that they appeared to warrant the conclusion that it was a Committee of enquiry, but he said, he would not lay it down that it was.

Mr. Samuel Smith, Jun. gave his opinion that the witnesses ought not to be examined before a charge was made, declaring that he had expected it would have been made that day.

Mr. Fox stated new arguments in support of the motion.

Mr. Nichols supported his opinion *e contra*.

Mr. Dundas asked a question, and spoke for some short time against the motion.

Mr. Ellis rose to explain.

Mr. Sheridan spoke again, and was replied to by Mr. Jenkinson, who stated the case of the proceedings against the Lord Coningsby and Sir Charles Power.

Mr. Young made a short speech against the motion.

Mr.



Mr. W. Grenville rose to reply to Mr. Sheridan's argument, and, as he always does, spoke very ingenuously.

Mr. Burke, with great earnestness, adjured the House not to restrain and narrow evidence. He warmly reminded the House of the murders, the rapine, the delinquencies of various kinds that had been practised in India, where a whole people had been extirpated, Princes sold, the persons of women of the highest rank treated worse than common prostitutes, and every vice and fraud perpetrated that degraded human nature, and disgraced the British name; for the sake of their own honour, and for the sake of the national credit, he urged the Committee to consent to examine the witnesses. He said, his reason for pressing so much that point was to prevent their being tampered with or influenced, and when he said so, he meant no imputation on any one of them, but human nature was human nature. If the Committee should, in spite of his caution, continue to call for the charges, which they had heard exacted as a matter due from him, though he never had even hinted a promise that he would introduce them that night, they should have them, for he had the code of accusation with him, though that, in his opinion, was not the fit moment to produce it. He adverted once more to the opposition the gentlemen of the law had given his Motion, and before he sat down, declared, that as soon as the Motion was disposed of, if the Committee should require it, he would deliver in the charges.

The Master of the Rolls complained of the frequent insinuation thrown out in the course of debate, that he and others of his profession had been brought down that day to defend Mr. Hastings. He knew nothing in his own character, or in that of the other Honourable Gentlemen of his profession, who were present, that would warrant such a conclusion; for his part, he was not acquainted with Mr. Hastings, he had never been under the roof of that gentleman, nor had he been under his roof. Sir Lloyd persisted in maintaining that in point of reason and justice the charges ought to be produced before they proceeded farther.

Mr. Burke replied, and in the course of what he said let fall an expression tending to charge the East-India Directors with having concealed papers from the House which ought to have been there, as they were essential to the accusation.

Sir Gregory Page Turner said he would not detain the House long, but he thought it incumbent on him to declare, that after having listened to all that had been said, he was of opinion that witnesses ought not to be examined. Sir Gregory said, he had a confidence in the Right Honourable Gentleman at the head of the Exchequer, and therefore as long as his measures were right, he would support them.

Mr. S. Smith, Jun. with some warmth repelled the insinuation that the East-India Directors had concealed papers from the House, declaring that such a charge was substantially false. He touched upon the present flourishing state of our affairs in India, as recorded in the last letters, and said, that the prosperous condition of the Company at home gave the lie to those who had roundly charged the Company, not long since, with being in a state of bankruptcy. Mr. Smith seemed a good deal nettled at the late speeches of Mr. Burke, and said, they had witnessed from that gentleman promise without performance, assertion without proof, and calumny without elucidation.

Mr. Grosvenor said a few words, that we could not distinctly hear.

Mr. Wilberforce took notice of that part of Mr. Burke's speech, in which he had declared that the reason why he wished his witnesses to be examined was for fear they should be tampered with. To avoid that, Mr. Wilberforce remarked that they must not only be examined forthwith, but all of them must be examined that night, a matter utterly impossible.

Mr. Wyndham, in defence of Mr. Burke, said, by "tampered with," his Honourable Friend certainly did not mean any thing disreputable to the gentlemen; every man had particular connections, and stood in circumstances that would warrant the suspicion of influence, bias, or prejudice, without the least imputation on his character, or the smallest impeachment either of his honour or his integrity.

Mr. Wilberforce made a short reply, and declared that he meant to fix no disreputable imputation on the meaning of the words "tampered with." He had merely used the mention of them as an argument to shew the utter impossibility of examining the witnesses, with a view to prevent their being liable to what the Right Honourable Gentleman had stated as the reason for his pressing to have them called to the Bar.



The gallery was, at this period of the debate, cleared of strangers, that the Committee might divide, but the question was afterwards given up.

Mr. Burke then said, he should barely produce such of the charges as he had ready, without any argument to raise a prejudice either for them or against them. Let them come before the Committee, resting on the force of the facts they contained. When the day should arrive for him to argue them as the grounds of an impeachment, he should endeavour to point out in what degree they criminated Warren Hastings, Esq. against whom he had delivered them as criminal charges.

A tete-a-tete conversation, of full half an hour, then took place round the table, not one word of which we could collect. At length it was settled, that the Chairman should report progress, and ask leave to sit again; and that the charges should be exhibited and delivered this day.

The number that Mr. Burke had with him were, he declared, about three-fourths of the whole that are to come. They appeared to be each about the size of the manuscript of a half-crown pamphlet.

The House was resumed, Report made, Committee ordered to sit again this day, and the House rose at Half after Ten.

---

#### A P R I L 3d.

MR. BURKE moved, that the reports of the Select Committee in 1781, should be referred to the Committee now appointed to determine on the conduct of Mr. Hastings: And also that all the papers relative to Mr. Hastings, moved for since the 16th of March, should be referred to the said Committee;—which motions were accordingly agreed to.

The Order of the Day was then read, to take these Papers into consideration, and the Speaker having left the chair of the House, Mr. Orde took that of the Committee.

Mr. Burke observed, that though the House was in possession of a large share of evidence, it was yet so incomplete that it was not convertible to any purpose: it required in some parts to be authenticated, and in others to have many deficiencies. For these purposes it became necessary to call in the aid of parole evidence, to which the House had now to proceed. He therefore concluded with moving, that Captain Leonard Jaques should now be called in and examined at the bar.

The Master of the Rolls expressed his surprize at this mode of procedure. He had understood that this day had been three weeks since appointed for that Honourable Gentleman to bring forward a specific charge against Warren Hastings, Esq; but it now appeared that the charge was not to be exhibited, and the House was called to proceed in the examination of parole evidence. Much circumspection, in his opinion, was required, before they gave their assent to such a process, in proportion as the power of Parliament was effectual in crushing an individual, they should be cautious how that power was exercised. For his part, he had not applied much consideration to the subject, yet the present mode of proceeding struck him very forcibly, not only as a violation of form, but also as inconsistent with the ends of substantial justice. It had ever appeared to him, to be one of the most valuable principles of our constitution, that no person could be subjected to the disgrace of trial, unless some degree of guilt was first ascertained by the verdict of a Grand Jury. The effect of their present proceeding would be decidedly the reverse of this. They were called on to enter into an examination, which implied a suspicion, and consequently affixed a stain; not only when no guilt was proved, but when no charge had been made. They were left without a rudder to guide their opinion through a sea of testimony, as they were left in absolute ignorance of the charges which were to be adduced, and of the purposes for which the evidence was to be examined. This conduct he thought preposterous to be admitted, and contended for the necessity of hearing a specific charge before the House made any farther advances in their proceeding.



Mr. Nicholls coincided in this opinion. He apprehended that the House had been hitherto somewhat incautious in this business, as many papers had been granted, which could not possibly be matter of evidence in the accusation. Such were the opinions of the Court of Directors on a letter of Mr. Hastings, which, however just as they may appear, could not certainly be employed for the purpose of substantiating any charge against him.

Mr. Burke said, that the wisdom, wheresoever found, claimed all his admiration; he could not approve of the *late* wisdom which dictated the present opposition of the learned Gentleman opposite him [Sir Lloyd Kenyon.] If the House had proceeded uniformly in this business—if it they had granted papers which were irrelevant to the subject, the admonition should have been given at the time, and not withheld until it took the appearance of censure on their past misconduct. He did not think the comparison made by the learned Gentleman to the proceedings of a Grand Jury, carried with it much of argument. Such a Jury had two faculties; the one of finding bills, the other of making presentments; in the first department the charge certainly preceded the evidence; but in the second, the motion of the presentment was drawn from the evidence before them; and the present proceeding of the House bore every analogy to the latter, whilst it certainly had not the smallest resemblance to the former faculty.

It had always been, he said, his avowed intention to draw the charge from the evidence which should be brought, not to substantiate a charge by subsequent evidence, as by the latter conduct he would have narrowed the charge, and cramped the process he had undertaken. It would have seemed a collusion unworthy of the subject, and particularly unworthy when that House was to stand forward as an accuser. He had already brought sufficient charges; he had repeatedly dwelt on the peculation, the oppression, and the misconduct that had pervaded the system of Administration in India. To this he deemed it now sufficient to add, that the evidence he first wished to call, respected the transaction with the Rajah of Owde.

The Master of the Rolls replied. He insisted very strongly on the objections he had made, and adverted with much severity to a transaction which had taken place within these few days. A pamphlet, containing several charges, urged with great asperity against Mr. Hastings, had been circulated, he said, with unbecoming industry, to prejudice the minds of those who were shortly to be the Judges of Mr. Hastings.

Mr. Fox said, that as no distinction had been made between the written evidence which had been given, and oral testimony, which was now demanded, the arguments in opposition to it had, in his opinion, but little weight. The House had acceded to the necessity of the former, and it was therefore a contradiction of their opinions to object to the introduction of the latter. With respect to the want of information which had been supposed, he could not think the charges which were now demanded, were the only source from which it could be drawn. The House were at liberty to make a previous enquiry respecting the purpose for which every evidence was introduced, and to object to the testimony if it was thought irrelevant or improper.

The Speaker, after a short review of the steps which had been taken, gave it as his opinion, that the first proceeding in the Committee should be to receive the particulars of the charge which was intended to be produced.

Mr. Fox replied that it could not certainly be the first proceedings, as the papers were already supposed to be read *pro formæ*; and the introduction of the parole evidence was but a continuation of that transaction. It would create an irremediable confusion, he was of opinion, if the charge was first introduced; as it should be made to refer in proof of its circumstances to the evidence before the House, and how then could it be made to refer to that part of the written evidence which was not yet produced, and to parole evidence which had not yet been heard.

The Speaker replied that the reading of the papers was merely a formal transaction. They had not yet been read to give colour to a criminal charge, nor could they be read for that purpose until the charge was first produced.

The Solicitor General arraigned the proceedings as absurd in the extreme. It was the first instance, he said, of an impeachment which was not commenced by exhibiting the different articles of the charge. To substantiate this assertion he adverted at great length to the cases of Sir Thomas Rumbold, Lord Middlesex, Sir John Denn, Mr. Seymour, Sir William Penn, and several others; and concluded with cautioning the Right Honourable Gentleman who stood forward



forward as accuser, that he may not suffer an excess of zeal to lead him beyond the limits of propriety.

Mr. Burke vindicated the part he had taken. He was not, he said, the accuser; he might be spoken of as the mover or the supporter of the accusation, but it was the House which was literally to be the accuser. It was the House that was first to review the circumstances of the guilt, and after that to bring forward their charge. They were to look to their own dignity, and to examine whether the crime was of sufficient magnitude to claim their interference. For his part he had not been wanting in the industry which was done to the occasion. Two thirds of the charges were already prepared, and his sole objection to bringing these forward, was, that he thought the whole should first be completed.

On this point of form, whether the charge should precede the evidence or not, a tedious and desultory conversation took place. On the part of the affirmative it was contended, that the House could not otherwise judge of the necessity of their interference, nor could know whether any part of the evidence was irrelevant to the charges on the contrary. To this it was replied, that in the first place it would be informal, as the charges could not be introduced into the Committee; that if brought forward, they must of necessity appear mutilated, confused, and unauthenticated for want of the suppletory evidence; and that they formed no part of the business of the Committee, which was appointed merely for the purpose of taking these papers into consideration. The speakers on the former part were, Mr. Jenkinson, Mr. Dundas, Mr. Smith, Major Scott, and Mr. Grenville; on the latter, Mr. Fox, Sir Grey Cooper, Mr. Sheridan, and Mr. Welbore Ellis.

Mr. Burke at length finding the sense of the House against him, agreed to give in such of the charges as were prepared, and the Committee to sit again to-morrow for the purpose of receiving them.

Adjourned.

---

#### A P R I L 4th.

MR. BURKE then rose, and observed, that as it appeared to be the opinion of the Committee of yesterday, that his charges against Mr. Hastings should precede the evidence by which it was to be supported; in deference to their sentiments, though in direct contradiction to the plan he had laid down, and which his best judgment had preferred, he now came forward with such of the charges as were in readiness.

Of these the *first* was, the violent and unjust war, originating solely in motives of lucre, and which ended in the total extirpation of the unoffending natives of the Rohillas.

The *second* body of charges was founded on the repeated acts of violence, in seizing the territory, and withholding the tribute due to the Mogul, from whom the Company held the greatest part of the dominion which they possess.

The *third* respected the violation of the rights of the Company's Ally, the Rajah of Benares, and those repeated revolutions caused in his government, and which ended in his total ruin.

The *fourth* body of charges exhibited a detail of the repeated acts of violence and oppression, which had been exercised against the reigning family of Owde.

The *fifth* was a narrative, which he trusted would appear well authenticated, of the violences which had been committed in the Provinces of Harricabad, and the confiscation of no less than 67 estates of the Nobility in that district.

The *sixth* respected the abuses which had been countenanced by Mr. Hastings in the distribution of salaries, contracts, and establishments in the Province of Bengal.

The *seventh* was founded on strong proofs of money privately taken by Mr. Hastings in opposition to an act of that House, and to the strictest regulations of the Company.

The



The *eightb* was for the purpose of pointing out the evil consequences of Mr. Hastings's fraudulent resignation, and of the retraction by which it was immediately followed.

In addition to them, Mr. Burke observed, that there were a number of others respecting the breach of the treaty of Porunder, and several other matters, which he pledged himself should be brought forward as soon as possible.

He then moved, that these papers should be printed for the use of the members.

That they should be referred to a Committee of the whole House on Wednesday the 26th instant.

And that the Evidences who had been named, should attend the Committee on that day :

All which motions were respectively agreed to.

Adjourned.

*From the PUBLIC ADVERTISER of APRIL 5th.*

AS the attempt to begin an examination of evidences previous to the exhibition of a charge, is perfectly new in the history of this country, the motion for the examination of Captain Jaques naturally called up Gentlemen from every side of the House in opposition to it, on Monday night. In addition to our account of the debate, we now give Major Scott's speech, which was not contradicted, and will, it is imagined, prove that Mr. Burke himself could have no idea of carrying his motion, since he had no such motion in contemplation when he originally opened his mode of proceeding—

“ Mr. Orde,

“ I do not rise to take any part in the debate on the form of your proceedings, but merely to state a fact or two to the Committee, and if what I shall mention is not in the recollection of gentlemen of all sides of the House who were present here three weeks ago, I am persuaded I shall be contradicted.—When first the Right Honourable Gentleman opened to the House his mode of proceeding, I objected to it, and earnestly pressed him to produce his charges, and for this reason, that till he did produce them, the gentleman who was to be accused had no other way of guessing at the nature of the charges, but by reading a pamphlet published by the Right Honourable Gentleman himself above two years ago, and entitled, Mr. Burke's Speech on Mr. Fox's India Bill, of the 1st of December, 1783. The House, however, was of opinion, that papers should first be called for, and I bowed with submission to its decision.

“ From the 17th of February to this day, I have waited impatiently for the charges, and the Committee will correct me if I am wrong ; but I declare, that three weeks ago that Right Honourable Gentleman did give public notice to this House, that on this day he would produce his charges, or resolutions, which were to be the same as charges, and he added these words, “ I hope the House will think I do not require too long a time by asking for a delay of three weeks, when they consider that it is a Government of thirteen years I am to go through.” I appeal to every side of the House, to confirm what I have said, or for correction if I am wrong. Not a gentleman who has spoke near me to-day, but has declared that he “ came down here in full expectation of the Right Honourable Gentleman's producing his charges.” I protest solemnly the present proceeding is of such a nature, that I deemed it impossible for any man to countenance it. What, Sir, when the Right Honourable Gentleman is called upon to perform a promise made by himself, are we to be amused by a motion for Captain Leonard Jaques to attend this Committee ; and then by another ridiculous and contemptible motion, that he be examined respecting a letter he wrote ? [Here Major Scott was called to order] He added, I beg pardon of the Committee if I have been disorderly, and I assure the Right Honourable Gentleman I meant not to apply these words to him ; but what I meant is this—we expected to-day the production of specific charges ; I contend that the present motion at such a moment is perfectly nugatory ; even for the professed purpose of criminating Mr. Hastings is ridiculous—for what does the amended motion state, that Captain Leonard J. ques shall



shall be examined in order to authenticate some letters he wrote to Messrs. Middleton and Johnson. Admitting the fact in its fullest extent, if these letters were of such a nature that Messrs. Middleton and Johnson ought to have sent them to the Governor-General and Council, they may be culpable for a neglect of duty; but how is it possible that such an enquiry can affect Mr. Hastings? On this account the motion strikes me as a ridiculous one, but essentially more so, as it was made at the moment the Committee expected the production of specific charges.

The Right Hon. Gentleman affects to hold in great contempt newspapers and pamphlets—I differ very much in opinion from him, and I affirm that the mode in which he has hitherto proceeded, appears peculiarly and solely calculated for the purpose of favouring the insertion of gross and scandalous misrepresentations in the newspapers, and for the publication of false and infamous libels in the form of pamphlets—One of these I now hold in my hand—the infamy of such a proceeding has already been noticed by the Right Honourable and learned Gentleman below me [the Master of the Rolls.] With the permission of the Committee, I will state the fact a little more at large—Mr. Hastings wrote a letter to the Directors on the 21st of February, 1784. It was received in England in September—it is amongst the papers moved for, and printed by order of this House—A short time ago it was reprinted as a pamphlet, accompanied by the most malevolent, injurious, and false remarks—and, to the scandal and disgrace of the person who did so infamous an act, it has been forwarded under blank covers, by the penny-post, to many respectable Members of this House; and I have the permission of a noble Earl, a Member of the other House, to whom it was also sent by the penny-post, to mention his name, and the indignation and abhorrence with which he has invariably spoke of an act subversive of every principle of justice, and of which no man with a single spark of honour in his bosom could have been guilty.

“ I am happy to find that the sentiments of the Noble Lord to whom I have alluded, are universal, and that men of all parties reprobate this scandalous and base proceeding. I can not prove who the author of the pamphlet is; I wish I could, that I might publish his infamy to the world; but I mention it now for the purpose of imploring the Committee to stop such scandalous proceedings in future, by insisting upon the Right Honourable Gentleman’s performing his promise, and producing his charges, before they allow a single witness to be examined. I rely implicitly upon the justice and honour of the Committee, and I trust the fate of the present motion will free the gentleman who is to be accused of crimes which may affect his fortune, and what is much dearer to him, his honour from the disadvantages to which the mode of proceeding hitherto adopted, has subjected him.”

Mr. Burke declared, that though his opinion respecting the mode of procedure was totally different from that which had been adopted by the House, he would, notwithstanding, bring forward his charge.—He then proceeded to state nine of them, which were so very long that we cannot accurately state, and are therefore unwilling to enter into. He then moved, that these respective charges should be printed for the use of the Members:—that they should be referred to a Committee of the whole House on Wednesday the 26th instant, and that the witnesses should attend the Committee on that day. The motions were agreed to. Before he sat down, he gave notice of several other articles of impeachment, which he said would be produced as soon as possible. He relied, he said, upon the justice and humanity of the House, and hoped that they would support him against the powerful opposition which he knew he must necessarily encounter.

Adjourned.



ARTICLES of CHARGE of HIGH CRIMES and MISDEMEANORS, against WARREN HASTINGS, Esquire, late Governor-General of Bengal ; presented to the House of Commons upon the 4th Day of April, 1786.

( No. 1. )

THE ROHILLA WAR.

**T**HAT the Court of Directors of the East-India Company, from a just sense of the danger and odium incident to the extension of their conquests in the East-Indies, and from an experience of the disorders and corrupt practices which intrigues and negotiations to bring about revolutions among the country powers had produced, did positively and repeatedly direct their servants in Bengal not to engage in any offensive war whatsoever :—That the said Court laid it down as an *invariable maxim, which ought ever to be maintained, that they were to avoid taking part in the political schemes of any of the country Princes* ; and did, in particular, order and direct that they should not engage with a certain Prince called Sujah ul Dowla, Nabob of Owde, and Vizier of the empire, in any operations, beyond certain limits in the said orders specially described.

That Warren Hastings, Esquire, then Governor of Fort William in Bengal, did, with other Members of the Council, declare his clear understanding of the true intent and meaning of the said positive and repeated orders and injunctions ;—did express to the Court of Directors his approbation of the policy thereof ;—did declare, that he adopted the same *with sincerity and satisfaction*, and that he was *too well aware of the ruinous tendency of all schemes of conquest, ever to adopt them, or ever to depart from the absolute line of self-defence, unless impelled to it by the most obvious necessity* ;—did signify to the Nabob of Owde the said orders, and his obligation to yield punctual obedience thereto ; and did solemnly engage and promise to the Court of Directors, with the *unanimous concurrence* of the whole Council, “ That no object or consideration should either tempt or compel him to pass the political line, which they (the Directors) had laid down for his operations with the Vizier ;” assuring the Court of Directors, that he “ scarce saw a possible advantage, which could compensate the hazard and expence to be incurred by a contrary conduct :” —That he did frequently repeat the same declarations, or declarations to the same effect, particularly in a letter to the Nabob himself, of the 22d of November, 1773, in the following words : “ The commands of my superiors are, as I have repeatedly informed you, peremptory, that I shall not suffer their arms to be carried beyond the line of their own boundaries, and those of your Excellency their ally.”

That the said Warren Hastings, in direct contradiction to the said orders, and to his own sense of their propriety and coercive authority, and in breach of his express promises and engagements, did, in September 1773, enter into a private engagement with the said Nabob of Owde, who was the special object of the prohibition, to furnish him, for a stipulated sum of money, to be paid to the East-India Company, with a body of troops, for the declared purpose of “ thoroughly extirpating the nation of the Rohillas ;” —a nation, from whom the Company had never received, or pretended to receive, or apprehend, any injury whatsoever ; whose country, in the month of February, 1773, by an unanimous resolution of the said Warren Hastings and his Council, was included in the line of defence against the Mahrattas, and from whom the Nabob never complained of an aggression or act of hostility, nor pretended a distinct cause of quarrel, other than the non-payment of a sum of money in dispute between him and that people.

That supposing the sum of money in question to have been strictly due to the said Nabob, by virtue of any engagement between him and the Rohilla Chiefs, the East-India Company, or their representatives, were not parties to that engagement, or guaranties thereof, nor bound by any obligation whatever to enforce the execution of it.



That, previous to the said Warren Hastings's entering into the agreement or bargain aforesaid, to extirpate the said nation, he did not make, or cause to be made, a due enquiry into the validity of the sole pretext used by the said Nabob; nor did he give notice of the said claims of debt to the nation of the Rohillas, in order to receive an explanation on their part of the matter in litigation, nor did he offer any mediation, nor propose, nor afford an opportunity of proposing, an agreement or submission, by which the calamities of war might be avoided; as, by the high state in which the East-India Company stood as a sovereign power in the East, and the honour and character it ought to maintain, as well as by the principles of equity and humanity, and by the true and obvious policy of uniting the power of the Mahometan Princes against the Mahrattas, he was bound to do:—That, instead of such previous enquiry, or tender of good offices, the said Warren Hastings did stimulate the ambition and ferocity of the Nabob of Owde to the full completion of the inhuman end of the said unjustifiable enterprise, by informing him, “that it would be absolutely necessary to persevere in it until it should be accomplished;” pretending, that a fear of the Company's displeasure was his motive for annexing the accomplishment of the enterprise as a condition of his assistance, and asserting “that he could not hazard or answer for the displeasure of the Company, his masters, if they should find themselves involved in a *fruitless* war, or in an expence for prosecuting it;”—a pretence, tending to the high dishonour of the East-India Company, as if the gain to be acquired was to reconcile that body to the breach of their own orders, prohibiting all such enterprises. And in order further to involve the said Nabob beyond the power of retreating, he did, in the course of the proceeding, purposely put the said Nabob under difficulties in case he should decline that war, and did oblige him to accept even the permission to relinquish the execution of this unjust project as a favour, and to *make concessions for it*; thereby acting as if the Company were principals in the hostility; and employing for this purpose much double dealing, and divers unworthy artifices, to entangle and perplex the said Nabob, but by means of which he found himself (as he has entered it on record) *hampered, and embarrassed in a particular manner.*

That the said compact for offensive alliance in favour of a great Prince, against a considerable nation, was not carried on by projects and counter-projects in writing; nor were the articles and conditions thereof formed into any regular written instrument, signed and sealed by the parties; but the whole (both the negociation and the compact of offensive alliance against the Rohillas) was a mere verbal engagement, the purport and conventions whereof nowhere appeared, except in subsequent correspondence, in which certain of the articles, as they were stated by the several parties, did materially differ;—a proceeding new and unprecedented, and directly leading to mutual misconstruction, evasion, and ill faith, and tending to encourage and protect every species of corrupt, clandestine practice:—That, at the time when this private verbal agreement was made by the said Warren Hastings with the Nabob of Owde, a public ostensible treaty was concluded by him with the said Nabob, in which there is no mention whatever of such agreement, or reference whatever to it; in defence of which omission, it is asserted by the said Warren Hastings, that *the multiplication of treaties weakens their efficacy, and therefore they should be reserved only for very important and permanent obligations*; notwithstanding he had previously declared to the said Nabob, “that the points, which he had proposed, required much consideration, and the previous ratification of a formal agreement before he could consent to them.”—That the whole of the said verbal agreement with the Nabob of Owde in his own person, without any assistance on his part, was carried on and concluded by the said Warren Hastings alone, without any person who might witness the same; without the intervention even of an interpreter, though he confesses that he spoke the Indostan language *imperfectly*, and although he had with him at that time and place several persons high in the Company's service and confidence; namely, the Commander in Chief of their forces, two Members of their Council, and the Secretary to the Council, who were not otherwise acquainted with the proceedings between him and the said Nabob, than by such communications as he thought fit to make to them.

That the object avowed by the said Warren Hastings, and the motives urged by him, for employing the British arms in the utter extirpation of the Rohilla nation, are stated by himself in the following terms: “The acquisition of forty lacks of rupees to the Company, and of so much specie added to the exhausted currency of our provinces;—that it would give wealth to the Nabob of Owde, of which we should participate;—that the said Warren Hastings should always be ready to profess that he did reckon the probable acquisition of wealth among his reasons for taking up arms against his *neighbours*;—that it would ease the Company of a considerable part of their military expence, and preserve their troops from inaction and relaxation of discipline;—that the weak state of the Rohillas promised an easy conquest of them; and, finally, that such was his idea of the Company's distress at home, added to his knowledge of their wants abroad, that he should have been glad of *any* occasion to employ their forces, which saved so much of their pay and expences.”

That,



That, in the private verbal agreement aforesaid for offensive war, the said Warren Hastings did transgress the bounds of the authority given him by his instructions from the Council of Fort William, which had limited his powers to such compacts "as were consistent with the spirit of the Company's orders;" which Council he afterwards persuaded, and with difficulty drew into an acquiescence in what he had done.

That the agreement, to the effect aforesaid, was settled in the said secret conferences, before the 10th of September 1773; but the said Warren Hastings, concealing from the Court of Directors a matter of which it was his duty to afford them the earliest and fullest information, did, on the said 10th of September 1773, write to the Directors, and dispatched his letter over land, giving them an account of the Public Treaty, but taking not the least notice of his agreement for a mercenary war against the nation of the Rohillas.

That, in order to conceal the true purport of the said clandestine agreement the more effectually, and until he should find means of gaining over the rest of the Council to a concurrence in his disobedience of orders, he entered a minute in the Council Books, giving a false account of the transaction; in which Minute he represented, that the Nabob had indeed *proposed* the design aforesaid, and that he (the said Warren Hastings) *was pleased that he urged the scheme of this expedition no further*; when, in reality and truth, he had absolutely consented to the said enterprise, and had engaged to assist him in it (which he afterwards admitted) and confessed that he did act in consequence of the same.

That the said Warren Hastings and his Council were sensible of the true nature of the enterprise in which they had engaged the Company's arms, and of the heavy responsibility to which it would subject himself and the Council, "the personal hazard they, the Council, run, in undertaking so *uncommon* a measure, without *positive* instructions, at their own risk, with the eyes of the whole nation on the affairs of the Company, and the passions and prejudices of almost every man in England inflamed against the conduct of the Company and the character of its servants;"—yet they engaged in the very practice, which had brought such odium on the Company, and on the character of its servants, though they further say, that they had continually before *their eyes, the dread of forfeiting the favour of their employers*, and becoming the "objects of popular invectives." The said Warren Hastings himself says, at the very time when he proposed the measure, I must confess, I entertain some doubts as to its expediency at this time, from the circumstances of the Company at home, exposed to popular clamour, and all its measures liable to be canvassed in *Parliament*; their charter drawing to a close, and his Majesty's Ministers unquestionably ready to take advantage of every unfavourable circumstance in the negotiations of its renewal." All these considerations did not prevent the said Warren Hastings from making and carrying into execution the said mercenary agreement for a sum of money, the payment of which, the Nabob endeavoured to evade on a construction of the verbal treaty; and was so far from being insisted on, as it ought to have been, by the said Warren Hastings, that when, after the completion of the service, the Commander in Chief was directed to make a demand of the money, the Agent of the said Warren Hastings at the said time assured the Nabob, "that the demand was nothing more than matter of form, common, and even necessary in all public transactions; and that, although the Board considered the claim of the Government literally due, it was not the intention of administration to prescribe to his excellency *the mode, or even limits of payment*." Nor was any part of the money recovered until the establishment of the Governor General and Council by Act of Parliament, and their determination to withdraw the brigade from the Nabob's service: the resident at his Court, appointed by the said Warren Hastings, having written *that he had experienced much duplicity and deceit in most of his transactions with his Excellency*; and the said Nabob and his successors falling back in other payments in the same or greater proportion, as he advanced in the payment of this debt; the consideration of lucre to the Company, the declared motive to this shameful transaction, totally failed, and no money in effect and substance (as far as by account to be depended on appears) have been obtained.

That the said Nabob of Owde did, in consequence of the said agreement, and with the assistance of British troops, which were ordered to march, and subjected to his disposal by the said Warren Hastings and the Council, unjustly enter into and invade the country of the Rohillas, and did there make war in a barbarous and inhuman manner, "by an abuse of victory;" by the "unnecessary destruction of the country;" "by a wanton display of violence and oppression, of inhumanity and cruelty;" and "by the sudden expulsion and casting down of an whole race of people, to whom the slightest benevolence was denied." When prayer was made not to dishonour the Begum (a Princess of great rank, whose husband had been killed in battle) and other women, by *dragging them about the country, to be loaded with the scoffs of the Nabob's rabble, and otherwise still worse used*; the Nabob refused to listen to the intreaties of a British Commander in Chief in their favour: and the said women of high rank were exposed not only to the vilest personal indignities, but even to absolute want; and these transactions being by Colonel Champion



Champion communicated to the said Warren Hastings, instead of commendations for his intelligence, and orders to redress the said evils, and to prevent the like in future, by means which were suggested, and which appear to have been proper and feasible, he received a reprimand from the said Warren Hastings, who declared that we had no authority to controul the conduct of the Vizier in the treatment of his subjects: and that Colonel Champion desisted from making further representations on this subject to the said Warren Hastings, being apprehensive of having already run some risk of offending, by perhaps a too free communication of sentiments.—That in consequence of the said proceedings, not only the eminent families of the chiefs of the Rohilla nation were either cut off or banished, and their wives and offspring reduced to utter ruin, but the country itself, heretofore distinguished above all others for the extent of its cultivation, as a garden, not having one spot in it of *uncultivated* ground, and from being *in the most flourishing state that a country could be*, was, by the inhuman mode of carrying on the war, and the ill government during the consequent usurpation, reduced to a state of great decay and depopulation, in which it still remains.

That the East-India Company, having had reason to conceive that, for the purpose of concealing corrupt transactions, their servants in India had made unfair, mutilated, and garbled communications of correspondence, and sometimes had wholly withheld the same, made an order in their letter of the 23d of March 1770, in the following tenor:—"The Governor singly shall correspond with the country powers; but *all* letters, before they shall be by him sent, must be communicated to the other Members of the select Committee, and receive their approbation; and also *all* letters *whatsoever* which may be received by the Governor, in answer to or in course of correspondence, shall likewise be laid before the said Select Committee, for their information and consideration." And that in their instructions to their Governor General and Council, dated 30th of March 1774, they did repeat their orders to the same purpose and effect.

That the said Warren Hastings did not obey, as in duty he was bound to do, the said standing orders; nor did he communicate all his correspondence with Mr. Middleton, the Company's agent at the Court of the Soubah of Owde, or with Colonel Champion, the Commander in Chief of the Company's forces in the Rohilla war, to the Select Committee: And when afterwards, that is to say, on the 25th of October 1774, he was required by the majority of the Council appointed by the Act of Parliament of 1773, whose opinion was by the said act directed to be taken as the Act of the whole Council, to produce *all* his correspondence with Mr. Middleton and Colonel Champion, for the direction of their future proceedings, relative to the obscure, intricate, and critical transaction aforesaid, he did positively and pertinaciously refuse to deliver any other than such parts of the said correspondence as he thought convenient; covering his said illegal refusal under general vague pretences of secrecy, and danger from the communication; although the said order and instruction of the Court of Directors above-mentioned was urged to him, and although it was represented to him by the said Council, that they, as well as he, were bound by an oath of secrecy: Which refusal to obey the orders of the Court of Directors (orders specially and on weighty grounds of experience pointed to cases of this very nature) gave rise to much jealousy, and excited great suspicions relative to the motives and grounds on which the Rohilla war had been undertaken.

That the said Warren Hastings, in the grounds alledged in his justification, of his refusal to communicate to his colleagues in the superior Council, his correspondence with Mr. Middleton, the Company's resident at Owde, was guilty of a new offence; arrogating to himself unprecedented and dangerous powers, on principles utterly subversive of all order and discipline in service, and introductory to corrupt confederacies and disobedience among the Company's servants; the said Warren Hastings insinuating, that Mr. Middleton, the Company's covenanted servant, the Public Resident for transacting the Company's affairs at the Court of the Soubah of Owde, and as such receiving from the Company a salary for his service, was no other than the *official agent* of him the said Warren Hastings, and that, being such, he was not obliged to communicate his correspondence.

That the Court of Directors, and afterwards a general Court of the Proprietors of the East-India Company, although the latter shewed favourable dispositions towards the said Warren Hastings, and expressed (but without assigning any ground or reason) the highest opinion of his services and integrity, did unanimously condemn (along with his conduct relative to the Rohilla treaty and war) his refusal to communicate his whole correspondence with Mr. Middleton to the Superior Council; yet the said Warren Hastings, in defiance of the opinion of the Directors, and the unanimous opinion of the general Court of the said East-India Company, as well as the precedent positive orders of the Court of Directors, and the injunctions of an Act of Parliament, has, from that time to the present, never made any communication of the whole of his correspondence to the Governor General and Council, or to the Court of Directors.



## MOGUL'S TRIBUTE, and Sale of CORAH and ALLAHABAD.

**T**HAT, in a solemn Treaty of Peace, concluded the 16th of August, 1765, between the East India Company and the late Nabob of Owde, Sujah ul Dowla, and highly approved of, confirmed, and ratified by the said Company, it is agreed, "That the King Shaw Allum shall remain in full possession of Corah, and such part of the Province of Allahabad as he now possesses, which are ceded to his Majesty as a Royal Demefne, for the support of his dignity and expences."—That, in a separate agreement, concluded at the same time, between the King Shaw Allum and the then Subadar of Bengal, under the immediate security and guaranty of the English Company, the faith of the Company was pledged to the said King for the annual payment of twenty-six lack of rupees, for his support, out of the revenues of Bengal; and that the said Company did then receive from the said King a grant of the Dewanny of the provinces of Bengal, Bahar, and Orissa, on the express condition of their being security for the annual payments abovementioned;—That the East India Company have held, and continue to hold the Dewanny so granted, and, for some years, have complied with the conditions, on which they accepted of the grant thereof; and have at all times acknowledged that they held the Dewanny *in virtue of the Mogul's grants*.—That the said Court of Directors, in their letter of the 30th June, 1769, to Bengal, declared, "that they esteemed themselves bound by treaty to protect the King's person, and to secure him the possession of the Corah and Allahabad districts;" and, supposing an Agreement should be made, respecting these Provinces, between the King and Sujah ul Dowla, the Directors then said, "that they should be subject to no further claim or requisition from the King, excepting for the stipulated Tribute for Bengal, which they (the Governor and Council) were to pay to his agent, or remit to him in such manner as he might direct."

That, in the year 1772, the King Shaw Allum, who had hitherto resided at Allahabad, trusting to engagements which he had entered into with the Mahrattas, quitted that place and removed to Delhi; but, having soon quarrelled with those people, and afterwards being taken prisoner, had been treated by them with very great disrespect and cruelty:—That, among other instances of their abuse of their immediate power over him, the Governor and Council of Bengal, in their letter of the 16th of August, 1773, inform the Court of Directors, that he had been *compelled, while a prisoner in their hands, to grant sunnuds for the surrender of Corah and Allahabad to them*; and it appears, from sundry other minutes of their own, that the said Governor and Council did at all times consider the surrender abovementioned as *extorted from the King, and unquestionably an act of violence*, which could not alienate, or impair his right to those Provinces; and that, when they took possession thereof, it was at the request of the King's Naib, or Viceroy, who put them under the Council's *protection*; that, on this footing they were accepted by the said Warren Hastings and his Council, and for some time considered by them as a deposit committed to their care by a Prince, to whom the possession thereof was particularly guaranteed by the East India Company.—In their letter of the 1st of March, 1773, they (the said Warren Hastings and his Council) say, "In no shape can this compulsory cession by the King release us from the obligation we are under to defend the Provinces, which we have so particularly guaranteed to him." But it appears that they soon adopted other ideas, and assumed other principles concerning this object. In the instructions, dated 23d of June, 1773, which the Council of Fort William gave to the said Warren Hastings, previous to his interview with the Nabob Sujah ul Dowla at Benares, they say, that, "while the King continued at Delhi, whither he proceeded in opposition to their most strenuous remonstrances, they should certainly consider the engagements between him and the Company as dissolved, by his alienation from them and their interest;—that the possession of so remote a country could never be expected to yield any profit to the Company, and the defence of it must require a perpetual aid of their forces;" yet, in the same instructions, they declare their opinion, that, "if the King should make overtures to renew his former connection, *his right to reclaim the districts of Corah and Allahabad could not with propriety be disputed*;" and they authorize the said Warren Hastings to restore them to him, *on condition that he should renounce his claim to the annual tribute of twenty-six lack of rupees, herein before mentioned, and to the arrears which might be due*;—thereby acknowledging the justice of a claim, which they determined not to comply with, but in return for the surrender of another equally valid:—That, nevertheless, in the treaty concluded by the said Warren Hastings with Sujah ul Dowla, on the 7th of September, 1773, it is asserted, that his Majesty [meaning the King Shaw Allum] "having abandoned the districts of Corah  
" and



“ and Allahabad, and given a sunnud for Corah and Currah to the Mahrattas, had thereby forfeited his right to the said districts ;” although it was well known to the said Warren Hastings, and had been so stated by him to the Court of Directors, that this surrender, on the part of the King, had been extorted from him by violence, while he was a prisoner in the hands of the Mahrattas ; and although it was equally well known to the said Warren Hastings, that there was nothing in the original treaty of 1765, which could restrain the King from changing the place of his residence, consequently that his removal to Delhi could not occasion a forfeiture of his right to the Provinces secured to him by that treaty.

That the said Warren Hastings, in the report which he made of his interview and negotiations with Sujah ul Dowla, dated 4th of October, 1773, declared “ that the Administration “ would have been culpable, in the highest degree, in retaining possession of Corah and Allahabad *for any other purpose than that of making an advantage by the disposal of them,*” and therefore he had ceded them to the Vizier for fifty lack of rupees ; a measure for which he had no authority whatever from the King Shaw Allum, and in the execution of which no reserve whatever was made in favour of the rights of that Prince, nor any care taken of his interests.

That, the sale of those Provinces to Sujah ul Dowla involved the East India Company in a triple breach of justice, since, by the same Act, they violated a treaty, they sold the property of another, and they alienated a deposit committed to their friendship and good faith, and as such accepted by them :—That a measure of this nature is not to be defended on motives of policy and convenience, supposing such motives to have existed, without a total loss of public honour, and shaking all security in the faith of treaties ; but that, in reality, the pretences urged by the said Warren Hastings, for selling the King’s Country to Sujah ul Dowla, were false and invalid.—It could not strengthen our alliance with Sujah ul Dowla, since, paying a price for a purchase, he received no favour, and incurred no obligation. It did not free the Company from all the dangers attending either a remote property or a remote connexion ; since, the moment the country in question became part of Sujah ul Dowla’s dominions, it was included in the Company’s former guaranty of those dominions, and in case of invasion, the Company were obliged to send part of their army to defend it, at the requisition of the said Sujah ul Dowla : And if the remote situation of those Provinces made the defence of them difficult and dangerous, much more was it a difficult and dangerous enterprize to engage the Company’s force in an attack and invasion of the Rohillas, whose country lay at a much greater distance from the Company’s frontier ; which, nevertheless, the said Warren Hastings agreed to, and undertook at the very time when, under pretence of the difficulty of defending Corah and Allahabad, he sold those Provinces to Sujah ul Dowla. It did not relieve the Company from the *expence* of defending the country, since the revenues thereof far exceeded the subsidy to be paid by Sujah ul Dowla, and these revenues justly belonged to the Company as long as the country continued under their protection, and would have answered the expence of defending it.—Finally, that the sum of fifty lack of rupees, stipulated with the said Sujah ul Dowla, were inadequate to the value of the country, the annual revenues of which were stated at twenty-five lack of rupees, which General Sir Robert Barker, then Commander in Chief of the Company’s forces, affirms, *was certain, and too generally known to admit of a doubt.*

That the King Shaw Allum received, for some years, the annual tribute of twenty-six lack of rupees abovementioned, and was entitled to continue to receive it, by virtue of an engagement deliberately, and for an adequate consideration, entered into with him by the Company’s servants, and approved of and ratified by the Company themselves ;—that this engagement was absolute and unconditional, and did neither express, nor suppose, any case, in which the said King should forfeit, or the Company should have a right to resume, the tribute ;—that, nevertheless, the said Warren Hastings and his Council, immediately after selling the King’s Country to Sujah ul Dowla, resolved to withhold, and actually withheld, the payment of the said tribute, of which the King Shaw Allum has never since received any part ;—that this resolution of the Council is not justified, even by themselves, on principles of right and justice, but by arguments of policy and convenience, by which the best-founded claims of right and justice may at all times be set aside and defeated. “ They judged it highly impolitic and unsafe to answer the “ drafts of the King until they were satisfied of his amicable intentions, and those of his new “ Allies.” But neither had they any reason to question the King’s amicable intentions, nor was he pledged to answer for those of the Mahrattas ; his trusting to the good faith of that people, and relying on their assistance, to reinstate him in the possession of his Capital, might have been imprudent and impolitic ; but these measures, however ruinous to himself, indicated no enmity to the English, nor were they productive of any effects injurious to the English interests. And it is plain, that the said Warren Hastings and his Council were perfectly aware that their motives or pretences for withholding the tribute were too weak to justify their conduct, having principally insisted on the reduced state of their Treasury, which, as they said, *rendered it*



*it impracticable to comply with those payments.* The right of a creditor does not depend on the circumstances of the debtor; on the contrary, the plea of inability includes a virtual acknowledgement of the debt, since, if the creditor's right were denied, the plea would be superfluous.

That the East India Company, having on their part violated the engagements, and renounced the conditions, on which they received and have hitherto held and enjoyed, the Dewanny of Bengal, Bahar, and Orissa, from the King Shaw Allum, have thereby forfeited all right and title to the said Dewanny, arising from the said grant, and that it is free and open to the said King to resume such grant; and to transfer it to any other Prince or State:—That, notwithstanding any distress or weakness, to which he may be actually reduced, his lawful authority, as sovereign of the Mogul Empire, is still acknowledged in India, and that his grant of the Dewanny would sufficiently authorize, and materially assist any Prince or State that might attempt to dispossess the East India Company thereof, since it would convey a right, which could not be disputed, and to which nothing but force could be opposed. Nor can these opinions be more strongly expressed, than they have been lately by the said Warren Hastings himself, who, in a minute recorded the 1st of December, 1784, has declared that, “fallen as the House of Timur is, it is yet the relic of the most illustrious line of the Eastern world;—that *its sovereignty is universally acknowledged*, though the substance of it no longer exists; and that “the Company itself derives its constitutional dominion from its ostensible bounty.”

That the said Warren Hastings, by his declaration, has renounced and condemned the principles on which he avowedly acted towards the Mogul in the year 1773, when he denied that the sunnuds or grants of the Mogul, if they were in the hands of another nation, would avail them any thing; and when he declared, “that the sword, which gave us the dominion of Bengal, must be the instrument of its preservation, and that, if it should ever cease to be ours, the next proprietor would derive his *right* and possession from the same *natural charter*.” That the said Warren Hastings, to answer any immediate purpose, adopts any principle of policy, however false or dangerous, without any regard to former declarations made, or to principles avowed on other occasions by himself; and particularly that, in his conduct to Shaw Allum, he first maintained, that the grants of that Prince were of no avail, that we held the dominion of Bengal by the sword, which he has falsely declared the source of *right*, and the *natural charter* of dominion; whereas, at a later period, he has declared, that the sovereignty of the family of Shaw Allum is universally acknowledged, and that the Company itself derives its constitutional dominion of their ostensible bounty.

---

( No. 3. )

The THREE REVOLUTIONS of BENARES.

P A R T I.

*Rights and Titles of the RAJAH of BENARES.*

I.

THAT the territory of Benares is a fruitful, and has been, not long since, an orderly, well cultivated, and improved Province; of great extent; and its capital city, as Warren Hastings, Esq. has informed the Court of Directors in his letter of the 21st of November 1781, “is highly revered by the natives, of the Hindû persuasion; so that many, who have acquired independent fortunes, retire to close their days in a place so eminently distinguished for its sanctity:” and he further acquaints the Directors, “that it may rather be considered as the seat of the Hindû Religion, than as the capital of a Province. But as its inhabitants are not composed of Hindûs only, the former wealth which flowed into it from the offerings of Pilgrims, as well as from the transactions of exchange, for which its central situation is adapted, has attracted numbers of Mahomedans, who still continue to reside in it with their families.” And these circumstances of the city of Benares, which not only attracted the attention of all the different descriptions of men who inhabit Indostan, but interested them warmly in whatever it might suffer, did, in a peculiar manner, require that the Governor General and Council of Calcutta should conduct themselves with regard to its rulers and inhabitants, when it became dependant on the Company, on the most distinguished principles of good faith, equity, moderation and mildness.

II. That



## II.

That the Rajah Bulwant Sing, late Prince or Zemindar of the Province aforesaid, was a great Lord of the Mogul Empire, dependant on the same, through the Vizier of the Empire, the late Sujah ul Dowlah, Nabob of Owde; and the said Bulwant Sing, in the commencement of the English power, did attach himself to the cause of the English Company; and the Court of Directors of the said Company did acknowledge, in their letter of the 26th of May 1768, that "Bulwant Sing's joining us, at the time he did, was of *signal service*, and the stipulation in his favour was what he was justly entitled to":—and they did commend "the care that had been taken (by the then Presidency) of those that had shewn their attachment to them (the Company) during the war;" and they did finally express their hope and expectation in the words following, "The moderation and attention paid to those who have espoused our interests in this war, will *restore* our reputation in Hindostan, and that the Indian Powers will be convinced *NO breach of treaty will ever have our sanction.*"

## III.

That the Rajah Bulwant Sing died on the 23d of August, 1770, and his son, Cheit Sing, succeeding to his rights and pretensions, the Presidency of Calcutta (John Cartier, Esquire being then President) did instruct Captain Gabriel Harper to procure a confirmation of the succession to his son Cheit Sing, "as it was of the utmost political import to the Company's affairs; and that the young man ought not to consider the price to be paid to satisfy *the Vizier's jealousy and avarice.*" And they did further declare as follows: "The strong and inviolable attachment which subsisted betwixt the Company and the Father, makes us most readily interpose our good offices for the Son." And the young Rajah aforesaid having agreed, under the mediation of Captain Harper, to pay near Two Hundred Thousand Pounds as a Gift to the said Vizier, and to increase his Tribute by near Thirty Thousand Pounds annually, a Deed of Confirmation was passed by the said Vizier to the said Rajah, and his Heirs, by which he became a Purchaser for valuable Considerations of his Right and Inheritance in the Zemindary aforesaid. In consequence of this grant, so by him purchased, the Rajah was solemnly invested with the government in the City of Benares, "amidst the acclamations of a numerous people, and to the great satisfaction of all parties." And the said Harper, in his letter of the 8th of October, 1770, giving an account of the investiture aforesaid, did express himself in these words: "I will leave the young Rajah, and others, to acquaint you how I have conducted myself: Only thus much let me say, that I have kept a strict eye not to diminish our National Honour, Disinterestedness, and Justice; which I will conclude has had a greater effect in securing to the Company their vast possessions, than even the force of arms, however formidable, could do." The President of Calcutta testified his approbation of the said Harper's conduct in the strongest terms, that is in the following: "Your disinterestedness has been equally distinguishable as your abilities, and both do you the greatest honour."

## IV.

That the agreement between the Rajah and Nabob aforesaid, continued on both sides without any violation, under the sanction and guarantee of the East India Company, for three years; when Warren Hastings, Esq; being then President, did propose a further confirmation of the said grant; and did, on the 12th of October, 1773, obtain a Delegation for himself to be the Person to negotiate the same: it being his opinion, as expressed in his Report of October 4th, 1773, that the Rajah was not only entitled to the Inheritance of his Zemindary by the Grants through Captain Harper, but that the preceding Treaty of Allahabad, though literally expressing no more than a security personal to Bulwant Sing, did, notwithstanding, in the true sense and import thereof, extend to his posterity; "and that it had been differently understood [that is not literally] by the Company, and the Vizier had *before* put it out of all dispute, by the solemn Act passed in the Rajah's favour on his succession to the Zemindary."

## V.

That the Council, in their Instructions to the said Governor Hastings, did empower him "to *renew*, in behalf of the Rajah Cheyt Sing, the stipulation which was formerly made with the Vizier, in consideration of his services in 1764;" and the Government was accordingly settled on the Rajah and his Posterity, or to his Heirs, on the same footing on which it was granted to his said Father, excepting the addition aforesaid to the Tribute; with an express provision, "that *no Encrease* shall ever hereafter be demanded." And the Grant and Stipulation aforesaid was further confirmed by the said Sujah ul Dowla, under the Company's Guarantee, by the most solemn and awful form of oath known in the Mahomedan Religion, in-



serted in the body of the deed of grant; and the said Warren Hastings, strongly impressed with the opinion of the propriety of protecting the Rajah, and of the injustice, malice, and avarice of the said Sujah ul Dowla, and the known family enmity subsisting between him and the Rajah, did declare, in his report to the Council, as follows: "I am well convinced that the Rajah's inheritance, and perhaps his life, are no longer safe than while he enjoys the Company's protection, which is his due by the ties of justice, and the obligations of public faith."

## VI.

That some time after the new confirmation aforesaid, that is to say, in the year 1774, the Governor General and Council, which had been formed, and the Members thereof appointed, by Act of Parliament, did obtain the assignment of the sovereignty paramount of the said Government by treaty with the Nabob of Owde; by which, although the supreme dominion was changed, the terms and the conditions of the tenure of the Rajah of Benares remained; as the said Nabob of Owde could transfer to the East India Company no other or greater estate than he himself possessed in or over the said Zemindary. But, to obviate any misconstruction on the subject, the said Warren Hastings did propose to the Board, that whatever provision might in the said treaty be made for the interest of the Company, the same should be "without an encroachment on the just rights of the Rajah, or the engagements actually subsisting with him."

## VII.

That the said Warren Hastings then having, or pretending to have, an extraordinary care of the interest of the Rajah of Benares, did, on his transfer of the sovereignty, propose a new grant to be conveyed in new instruments to the said Rajah, conferring upon him further privileges; namely, the addition of the sovereign rights of the mint, and of the right of criminal justice of life and death: and he the said Warren Hastings, as Governor General, did himself propose the resolution for that purpose in Council, in the following words, with remarks explanatory of the principles upon which the grants aforesaid were made: namely,

Minute.

## VIII.

"That the perpetual and independent possession of the Zemindary of Benares, and its Dependencies, be confirmed and guaranteed to the Rajah Cheyt Sing and his Heirs for ever, subject only to the annual payment of the Revenues hitherto paid to the late Vizier, amounting Benares Rs rupees, 23,71,656,12, to be disposed of as is expressed in the following article: That no other demand be made on him, either by the Nabob of Owde, or this Government; nor any kind of authority or jurisdiction be exercised by either within the districts assigned him." To which Minute he, the said Warren Hastings, did subjoin the following observation in writing, and recorded therewith in the Council books, that is to say: "The Rajah of Benares, from the situation of his country, which is a frontier to the Provinces of Owde and Bahar, may be made a serviceable Ally to the Company, whenever their affairs shall require it. He has always been considered in this light both by the Company and the successive Members of the late Council; but, to insure his attachment to the Company, his interest must be connected with it, which cannot be better effected than by freeing him totally from the REMAINS of his present Vassalage, under the guarantee and protection of the Company; and at the same time guarding him against any apprehensions from this Government, by thus pledging its faith that no encroachment shall ever be made on his rights by the Company." And the said Warren Hastings, on the fifth of July, 1775, did himself propose, amongst other articles of the treaty relative to this object, one of the following tenor: "That whilst the Rajah shall continue faithful to these engagements, and punctual in his payments, and shall pay due obedience to the authority of this Government, no more demands shall be made upon him by the Honourable Company, of ANY KIND; or, on any pretence whatsoever, shall any person be allowed to interfere with his authority, or to disturb the peace of his country." And the said article was by the other Members of the Council assented to without debate.

## IX.

On transferring the Rajah's tribute from the Nabob to the Company, the stipulation with the Nabob was renewed on the proposition of the said Warren Hastings himself, and expressed in a yet more distinct manner, namely, "That no more demands, shall be made upon him, by the Honourable Company, of any kind:" and the said Warren Hastings, in justification of his proposal of giving the Rajah "a complete and uncontrouled authority over his Zemindary,"



dary," did enter on the Council Book the following reasons for investing him with the same; strongly indicating the situation in which he must be left under any other circumstances, whether under the Nabob of Owde, or under the English, or under the double influence of both: "That the security of his person and possessions, from the Company's protection, may be rated equal to many lacks of rupees; which, though saved to him, are no loss to the government on which he depends, being all articles of invisible expence; in fees to the Ministers and officers of the Nabob; in the charges of a double establishment of Vackeels to both governments; in presents and charges of accommodation to the Nabob, during his residence at any place within the boundaries of his Zemindary; in the frauds, embezzlements, and oppressions exercised in the Mint and Cutwally; besides the allowed profits of those officers, and the advantages which every man in occasional power, or in the credit of it, might make of the Rajah's known weakness, and the dread he stood in both of the displeasure of the Nabob, and the ill will of individuals among the English, who were all considered, either in their present stations or connections, or the right of succession, as Members of the State of Bengal. It would be scarce possible to enumerate all the inconveniences to which the Rajah was liable in his former situation, or to estimate the precise effect which they produced on his revenue, and on the gross amount of his expence; but it may be easily conceived, that both were enormous and of a nature the most likely to lessen the profits of government, instead of adding to them." And in justification of his proposal of giving the Rajah the symbols of sovereignty in the power of life and death, and in the coining of money, as pledges of his independence, he states the deplorable situation of Princes reduced to dependence on the Vizier or the Company, and obliged to entertain an English Resident at their Court, in the following words: "It is proposed to receive the payment of his (the Rajah's) rents at Patna, because that is the nearest provincial station, and because it would not frustrate the intention of rendering the Rajah independent. If a Resident was appointed to receive the money, as it became due, at Benares, such a Resident would unavoidably acquire an influence over the Rajah, and over his country, which would in effect render him the master of both. This consequence might not perhaps be brought completely to pass without a struggle, and many appeals to Council, which, in a government constituted like this, cannot fail to terminate against the Rajah; and, by the construction to which his opposition to the Agent would be liable, might eventually draw on him severe restrictions, and in reducing him to the mean and depraved state of a mere Zemindar."

## X.

That in order to satisfy the said Rajah of the intentions of the Company towards him, and of the true sense and construction of the grants to him, the said Rajah, to be made, the Governor General (he the said Warren Hastings) and Council did, on the 24th August, 1775, instruct Mr. Fowke, the Resident at the Rajah's Court, in the following words: "It is proper to assure the Rajah we do not mean to encrease his tribute, but to require from him an exact sum. That, under the sovereignty of the Company, we are determined to leave him the free and uncontrolled management of the internal government of his country, and the collection and regulation of the revenues, so long as he adheres to the terms of his engagement; and will never demand any augmentation of the annual tribute which may be fixed."

## XI.

That the said Warren Hastings and the Council General, not being satisfied with having instructed the Resident to make the representation aforesaid, to remove all suspicion that by the new grants any attempt should insidiously be made to change his former tenure, did resolve, that a letter should be written by the Governor-General himself to the Rajah of Benares, to be delivered to Mr. Fowke, the Resident, together with his credentials; in which letter they declare "the Board willing to continue the grant of the Zemindary to him, in as full and ample a manner as he possessed it from former Sovereigns; and on his paying the annual tribute, &c." And in explaining the reasons for granting to him the mint and criminal justice, they inform him, that this is done in order "that he may possess an uncontrouled and free authority in the regulation and government of his Zemindary."

## XII.

That, on the 26th of February, 1776, the Board and Council did order that the proper instruments should be prepared for conveying to the Rajah aforesaid the government and criminal justice and mint of Benares, with its dependencies, "in the usual form; expressing the conditions already resolved on in the several proceedings of the Board." And on the same day a letter was written to the Resident at Benares, signifying that they had ordered the proper instruments to be prepared, specifying the terms concerning the remittance of the Rajah's tribute to Calcutta, as well as "the several other conditions which had been already agreed to; and that they should



“ should forward it to him, to be delivered to the Rajah.” And on the 20th of March following the Board did again explain the terms of the said tribute in a letter to the Court of Directors; and did add, “ that a sunnud (grant or patent) for his (Cheit Sing’s) Zemindary should be furnished him, *on these, and the conditions before agreed on.*”

## XIII.

That during the course of the transactions aforesaid in Council, and the various assurances given to the Rajah and the Court of Directors, certain improper and fraudulent practices were used with regard to the symbols of investiture which ought to have been given, and the form of the deeds by which the said Zemindary ought to have been granted: for it appears that the original deeds were signed by the Board on the 4th of September, 1775, and transmitted to Mr. Fowke, the Resident at the Rajah’s Court; and that, on the 20th of November following, the Court of Directors were acquainted, by the said Warren Hastings and the Council, that Rajah Cheit Sing had been invested with the sunnud (charters or patents) for his Zemindary, and the kellaut (or robes of investiture) in all the proper forms. But, on the 1st of October, 1775, the Rajah did complain to the Governor-General and Council, that the kellaut (or robes) with which he was to be invested, according to their order, “ *is not of the same kind as that which he received from the late Vizier on the like occasion.*” In consequence of the said complaint, the Board did, in their letter to the Resident of the 11th of the same month, desire him “ to make enquiry respecting the nature of the kellaut, and invest him with *one of the same sort*, on the part of this government, instead of that which they formerly described to him.” And it appears highly probable, that the instruments which accompanied the said robes of investiture were made in a manner conformable to the orders and directions of the Board, and the conditions by them agreed to; as the Rajah, who complained of the insufficiency of the robes, did make no complaint of the insufficiency of the instruments, or of any deviation in them from those he had formerly received from the Vizier. But *a copy or duplicate of the said deeds or instruments were in some manner surreptitiously disposed of, and withheld from the records of the Company, and never were transmitted to the Court of Directors.*

## XIV.

That several months after the said settlement and investiture, namely, on the 15th of April, 1776, the Secretary informed the Court that he had prepared a sunnud, cabbolut, and pottah (that is, a patent, an agreement, and a rent roll) for Cheit Sing’s Zemindary; and the Board ordered the same to be executed. But the Resident, on receiving the same, did transmit the several objections made by the Rajah thereto, and particularly to a clause in the patent, made in direct contradiction to the engagements of the Council so solemnly and repeatedly given; by which clause the former patents *are declared to be null.* That on the representation aforesaid, on the 29th of July, the Secretary was ordered to prepare new and proper instruments, *omitting the clause declaring the former patents to be null*, and the said new patents were delivered to the Rajah; and the others which he objected to, as well as those which had been delivered to him originally, were returned to the Presidency. But neither the first set of deeds, nor the fraudulent patent aforesaid, nor the new instruments made out on the complaint of the Rajah, omitting the exceptionable words, have been inserted in the records, although it was the particular duty of the said Warren Hastings that all transactions with the country powers should be faithfully entered; as well as to take care that all instruments transmitted to them, on the faith of the Company, should be honestly, candidly, and fairly executed, according to the true intent and meaning of the engagements entered into on the part of the Company; giving by the said complicated, artificial, and fraudulent management, as well as by his said omitting to record the said material document, strong reason to presume that he did even then meditate to make some evil use of the deeds which he thus withheld from the Company, and which he did afterwards in reality make, when he found means and opportunity to effect his evil purpose.



## P A R T II.

*Designs of Mr. HASTINGS to ruin the RAJAH of BENARES.*

## I.

THAT the tribute transferred to the Company, by the treaty with the Nabob of Owde, being £.250,000 a year sterling, and upwards, without any deductions whatsoever, was paid monthly, with such punctual exactness, as had no parallel in the Company's dealings with any of the native Princes, or with any subject Zemindar, being the only one who never was in arrears; and, according to all appearance, a perfect harmony did prevail between the Supreme Council at Calcutta and the Rajah. But though the Rajah of Benares furnished no occasion of displeasure to the Board, yet it since appears that the said Warren Hastings did, at some time in the year 1777, conceive displeasure against him. In that year, he, the said Warren Hastings, retracted his own act of resignation of his office, made to the Court of Directors through his agent Mr. Maclean; and, calling in the aid of the military to support him in his authority, brought the divisions of the government, according to his own expression, "to an extremity bordering on civil violence." This extremity he attributes, in a narrative by him transmitted to the Court of Directors, and printed, not to his own fraud and prevarication, but to what he calls, "an attempt to wrest from him his authority;" and in the said narrative he pretends, that the Rajah of Benares had deputed an agent, with an express commission, to his opponent Sir John Clavering.—This fact, if it had been true, (which is not proved,) was in no sort criminal or offensive to the Company's government; but was at first sight nothing more than a proper mark of duty and respect to the supposed succession of office. Nor is it possible to conceive in what manner it could offend the said Hastings, if he did not imagine that the express commission, to which in the said narrative he refers, might relate to the discovery to Sir John Clavering of some practice which he might wish to conceal; the said Clavering, whom he styles "*his Opponent*," having been engaged, in obedience to the Company's express orders, in the discovery of sundry peculations, and other evil practices, charged upon the said Hastings. But although, at the time of the said pretended deputation, he dissembled his resentment, it appears to have rankled in his mind, and that he never forgave it, of whatever nature it might have been (the same never having been by him explained); and some years after he recorded it in his justification of his oppressive conduct towards the Rajah; urging the same, with great virulence and asperity, as a proof or presumption of his the said Rajah's disaffection to the Company's government; and, by his subsequent act, he seems from the first to have resolved, when opportunity should occur, on a severe revenge.

## II.

That having obtained, in his casting vote, a majority in Council, on the death of Sir John Clavering and Mr. Monson, he did suddenly, and without any previous general communication with the members of the Board, by a minute of consultation of the 9th of July, 1778, make an extraordinary demand, namely, "that the Rajah of Benares should consent to the establishment of three regular battalions of Sepoys, *to be raised and maintained at his own expence*;" and the said expence was estimated at between fifty and sixty thousand pounds sterling.

## III.

That the said requisition did suppose the *consent* of the Rajah, the very word being inserted in the body of his, the said Warren Hastings's, minute; and the same was agreed to, though with some doubts on the parts of two of his colleagues, Mr. Francis and Mr. Wheler, concerning the right of making the same, even worded as it was. But Mr. Francis and Mr. Wheler soon after finding that the Rajah was much alarmed by this departure from the treaty, the requisition aforesaid was strenuously opposed by them. The said Hastings did, notwithstanding this opposition, persevere; and by his casting vote alone did carry the said unjust and oppressive demand. The Rajah submitted, after some murmuring and remonstrance, to pay the sum required; but on the express condition (as has been frequently asserted by him to the said Warren Hastings, without any contradiction) that the exaction should continue *but for one year, and should not be drawn into precedent*. He also requested that the extraordinary demand should be paid along with the instalments of his monthly tribute: but although the said Warren Hastings did not so much as pretend that the instant payment was at all necessary, and though he was



urged by his before-mentioned colleagues to moderate his proceedings, he did insist upon immediate payment of the whole ; and did deliver his demand in proud and insulting language, wholly unfit for a governor of a civilized nation to use towards eminent persons in alliance with, and in honourable and free dependence upon, its government ; and did support the same with arguments full of unwarrantable passion, and with references to reports affecting merely his own personal power and consideration, which reports were not proved, nor attempted to be proved ; and, if proved, furnishing reasons insufficient for his purpose, and indecent in any public proceedings. That the said Hastings did cause the said sums of money to be rigorously exacted, although no such regular battalions, as he pretended to establish as a colour for his demand on the Rajah, were then raised, or any steps taken towards raising them. And when the said Rajah pleaded his inability to pay the whole sum at once, he, the said Hastings, persevering in his said outrageous and violent demeanour, did order the Resident to wait on the Rajah forthwith, and “ demand of him in person, and by writing, the full payment in specie to be made to him “ within five days of such demand ; and to declare to him, in the name of this government, “ that his evading or neglecting to accomplish the payment thereof within that space of time, “ should be deemed *equivalent to an absolute refusal* ; and in case of non-compliance with this “ (the Resident’s) demand, *we peremptorily enjoin you to refrain from all further intercourse with “ him :*” the said Hastings appearing, by all his proceedings, to be more disposed to bring on a quarrel with the Prince of Benares, than to provide money for any public service.

## IV.

That the said demand was complied with, and the whole thereof paid on the 10th of October, that year. And the said Rajah did write to the said Hastings a letter, in order to mitigate and mollify him, declaring to the said Hastings, that his sole reliance was on him, “ and that in “ every instance he depended on his faith, religion, promises, and actions.” But he, the said Warren Hastings, as if the being reminded of his faith and promises were an incentive to him to violate the same, although he had agreed that his demand should not be drawn into precedent, and the payment of the £.50,000 aforesaid should continue only for one year, did, the very day after he had received the letter aforesaid, renew a demand of the same nature, and on the same pretence, this year, even less plausible than the former, of three battalions *to be* raised. The said Rajah, on being informed of this requisition, did remind the said Warren Hastings that he engaged, in the last year, that but one payment should be made, and that he should not be called upon in future ; and pleading inability to discharge the new demand, declared himself in the following words to the said Warren Hastings : “ I am therefore hopeful “ you will be kindly pleased to excuse me the five lacks now demanded, and that nothing may “ be demanded of me beyond the amount expressed in the Pottah.”

## V.

That on the day after the receipt of this letter, that is, on the 28th of August, 1779, he, the said Warren Hastings, made a reply to the said letter ; and, without any remark whatsoever on the allegation of the Rajah, stating to him his engagement that he, the said Rajah, should not be called upon in future, he says, “ I now repeat my demand, that you do, on the receipt “ of this, without evasion or delay, pay the five lack of rupees into the hands of Mr. Thomas “ Graham, who has orders to receive it from you ; and, in case of your refusal, to summon “ the two battalions of Sepoys, under the command of Major Camac, to Benares, that mea- “ sures may be taken to oblige you to a compliance : and, in this case, the whole expence of “ the corps, from the time of its march, will fall on you.”

## VI.

That the said Rajah did a second and third time represent to the said Warren Hastings, that he had broke his promise, and the said Hastings did in no manner deny the same ; but did, in contempt thereof, as well as of the original treaty between the Company and the Rajah, order two battalions of troops to march into his territories, and in a manner the most harsh, insulting, and despotic, as if to provoke that prince to some act of resistance, did compel him to the payment of the said second unjust demand ; and did extort also the sum of £.2,000, on pretence of the charge of the troops employed to coerce him.

## VII.

That the third year, that is to say, in the year 1780, the same demand was, with the same menaces, renewed ; and did, as before, produce several humble remonstrances and submissive complaints, which the said Hastings did always treat as crimes and offences of the highest order :  
and,



and, although in the regular subsidy or tribute, which was monthly payable by treaty, fifty days of grace were allowed on each payment, and after the expiration of the said fifty days one quarter per cent. only was provided as a penalty, he, the said Warren Hastings, on some short delay of payment of his third arbitrary and illegal demand, did presume, of his own authority, to impose a fine or mulct of £.10,000 on the said Rajah : and though it does not appear whether or no the same was actually levied, the said threat was soon after followed by an order, from the said Hastings, for the march of troops into the country of Benares, as in the preceding year.

### VIII.

That these violent and insulting measures failing to provoke the Rajah, and he having paid up the whole demand, the said Warren Hastings being resolved to drive him to extremities, did make on the said Rajah a sudden demand, over and above the ordinary tribute or subsidy of 260,000*l.* per annum, and over and above the 50,000*l.* extraordinary, to provide a body of cavalry for the service of the Bengal government.

### IX.

The demand, as expressed in the Minute of Consultation, and in the public instructions of the Board to the Resident, to make the requisition, is “for such part of the cavalry entertained in his service as he can spare;” and the demand is in this, and in no other manner described by the Governor-General and Council in their letter to the Court of Directors. But in a narrative of the said Warren Hastings’s, addressed to Edward Wheler, Esquire, it appears, that upon the Rajah’s making difficulties, according to the representation of the said Hastings, relative to the said requisition, the correspondence concerning which the said Hastings hath fraudulently suppressed, he, the said Hastings, instead of adhering to the requisition of such cavalry as the Rajah could spare, and which was all that by the Order of Council he was authorized to make, did, of his own private and arbitrary authority, in some letter which he hath suppressed, instruct the Resident Markham to make a peremptory demand for 2000 cavalry, which he well knew to be more than the Rajah’s finances could support, estimating the provision for the same at 96,000*l.* a year at the lowest, though the expence of the same would probably have been much more : which extravagant demand the said Hastings could only have made in hopes of provoking the Rajah to some imprudent measure, or passionate remonstrance. And this arbitrary demand of cavalry was made, and peremptorily insisted on, although in the original treaty with the said Rajah it was left entirely optional whether or not he should keep up any cavalry at all : and in the Minute of Consultation it was expressly mentioned to be thus optional ; and that for whatsoever cavalry he, the said Rajah, should furnish, he should be paid 15 rupees per month for each private, and so in proportion for officers ; yet the demand aforesaid was made without any offer whatsoever of providing the said payment according to treaty.

### X.

That the said Hastings did soon after, but upon what grounds does not appear by any Minute of Council, or from any correspondence contained in his narrative, reduce the demand to fifteen thousand, and afterwards to one thousand ; by which he shewed himself to be sensible of the extravagance of his first requisition.

### XI.

That in consequence of these requisitions, as he asserts in his narrative aforesaid, the Rajah “did offer two hundred and fifty horse, but sent none.” But the said Hastings doth not accompany his said narrative with any voucher or document whatever ; and therefore the account given by the Rajah, and delivered to the said Warren Hastings himself, inserted by the said Warren Hastings himself in his narrative, and in no part thereof attempted to be impeached, is more worthy of credit ; that is to say,

“With respect to the horse, you desired me in your letter to inform you of what number I could afford to station with you. I sent you a particular account of all that were in my service, amounting to one thousand three hundred horse, of which several were stationed at distant places ; but I received no answer to this. Mr. Markham delivered me an order to prepare a thousand horse. In compliance with your wishes, I collected five hundred horse, and a substitute for the remainder, five hundred burkundasses (matchlock men), of which I sent you information ; and I told Mr. Markham that they were ready to go to whatever place they should be sent. No answer, however, came from you on this head, and I re-  
“mained



“ remained astonished at the cause of it. Repeatedly I asked Mr. Markham about an answer to my letter about the horse ; but he told me that he did not know the reason of no answer having been sent. I remained astonished.”

## XII.

That the said Hastings is guilty of an high offence, in not giving an answer to letters of such importance, and in concealing the said letters from the Court of Directors, as well as much of his correspondence with the Residents ; and more particularly in not directing to what place the cavalry and matchlock men aforesaid should be sent, when the Rajah had declared they were ready to go to whatever service should be destined for them, and afterwards maliciously accusing the Rajah for not having sent the same.

## XIII.

That, on the 3d of February, 1781, a new demand for the support of the three fictitious battalions of sepoys aforesaid was made by the said Warren Hastings : but, whilst the Rajah was paying by instalments the said arbitrary demand, the said Rajah was alarmed with some intelligence of secret projects on foot for his ruin ; and being well apprised of the malicious and revengeful temper of the said Hastings, in order to pacify him, if possible, offered to redeem himself by a large ransom, to the amount of two hundred thousand pounds sterling, to be paid for the use of the Company. And it appears that the said alarm was far from groundless ; for Major Palmer, one of the secret and confidential agents of the said Hastings, hath sworn, on the 4th of December, 1781, at the desire of the said Warren Hastings, before Sir Elijah Impey, to the following effect ; that is to say, “ That the said Warren Hastings had told him, the said Palmer, that he, the said Hastings, had rejected the offer of two hundred thousand pounds made by the Rajah of Benares for the public service ; and that he was resolved to *convert the faults committed by the Rajah into a public benefit*, and would exact the sum of 500,000*l.* as a punishment for his breach of engagements with the government of Bengal, and acts of misconduct in his Zemindary ; and, if the Rajah should absolutely refuse the demand, that he would deprive him of his Zemindary, or transfer the sovereignty thereof to the Nabob of Owde.”

## XIV.

And Mr. Anderson, in his declaration from Scindia's Camp, of the 4th of January, 1782, did also, at the desire of Mr. Hastings, depose (though not on oath) concerning a conversation between him and the said Hastings (but mentioning neither the time nor place where the same was held) ; in which conversation, after reciting the allegations of the said Hastings relative to several particulars of the delay and backwardness of the Rajah in paying the aforesaid extra demand, and his resolution to exact from the Rajah “ a considerable sum of money to the relief of the Company's exigencies,” he proceeds in the following words : “ That if he (the Rajah) consented, you (the said Warren Hastings) were desirous of *establishing his possessions on the most permanent and eligible footing* ; but, if he refused, you had it in your power to *raise a large sum* for the Company, by accepting an offer which had been made for his districts by the Vizier.” And the said Anderson, in the declaration aforesaid, made at the request of the said Hastings, and addressed to him, expressed himself as follows : “ That you told me you had communicated our designs to Mr. Wheler (his only remaining colleague) ; and I believe, but I do not positively recollect, you said he concurred in them.” But no trace of any such communication or concurrence did, at the time referred to, or at any time ever after, appear on the consultations as it ought to have done ; and the said Hastings is criminal, for having omitted to enter and record the proceeding. That the said Wheler did also declare, but a considerable time after the date of the conversations aforesaid, that “ on the eve of the Governor General's departure, the said Hastings had told him, that the Rajah's offences (not stating what offences, he having paid up all the demands, ordinary and extraordinary) *were declared to require early punishment* ; and as his *wealth was great, and the Company's exigencies pressing*, it was thought a measure of policy and of justice to exact from him a large pecuniary mulct for their relief. The sum to which the Governor declared his resolution to extend the fine, was forty or fifty lacks ; his ability to pay it was stated as a fact that could not admit of a doubt ; and the two alternatives, on which the Governor declared himself to have resolved, were, to the best of my recollection, either a removal from his Zemindary entirely ; or, by taking immediate possession of all his forts, to obtain out of the treasure deposited in them the above sum for the Company.”

## XV. That,



## XV.

That, in the declaration of the said Wheler, the time of the conversation aforesaid is stated to be on the eve of the Governor's departure, and then said to be confidential; nor is it said or insinuated that he knew or ever heard thereof at a more early period; though it appears by Major Palmer's affidavit, that the design of taking not four or five, but absolutely five hundred thousand pounds from the Rajah, was communicated to him as early as the month of June. And it does not appear by the declarations of the said Wheler, he did ever casually or officially approve of the measure; which long concealment and late communication, time not being allowed to his colleague to consider the nature and consequences of such a project, or to advise any precaution concerning the same, is a high misdemeanour.

## XVI.

That the said Hastings, having formed a resolution to execute one of the three violent and arbitrary resolutions aforesaid, namely, to sell the Company's sovereignty over Benares to the Nabob of Owde; or to dispossess the Rajah of his territories; or to seize upon his forts, and to plunder them of the treasure therein contained, to the amount of four or five hundred thousand pounds; did reject the offer of two hundred thousand pounds, tendered by the said Rajah for his redemption from the injuries which he had discovered that the said Hastings had clandestinely meditated against him, although the sum aforesaid would have been a considerable and seasonable acquisition at that time; the said Hastings being determined, at a critical period, to risk the existence of the British empire, rather than fail in the gratification of his revenge against the said Rajah.

## XVII.

That the first of his three instituted projects, namely, the depriving the Rajah of his territories, was by himself considered as a measure likely to be productive of much odium to the British Government; he having declared, whatever opinions he might entertain of its justice, "That it would have an appearance of severity; and might furnish grounds unfavourable to the credit of our government, and to his own reputation, from the natural influence which every act of rigour, exercised in the persons of men in elevated situations, is apt to impress on those who are too remote from the scene of action to judge, by any evidence of the facts themselves, of their motives or propriety." And the second attempt, the sum of money which he aimed at by attacking the fortresses of the Rajah, and plundering them of the treasure supposed to be there secured, besides the obvious uncertainty of acquiring what was thus sought, would be liable to the same imputations with the former. And with regard to the third project, namely, the sale of the Company's sovereignty to the Nabob of Owde, and his having actually received proposals for the same, it was an high offence to the Company, as presuming, without their authority or consent, to put up to sale their sovereign rights; and particularly to put them up to sale to that very person, against whom the independence of the said province had been declared by the Governor General and Council to be necessary, as a barrier for the security of the other provinces, in case of a future rupture with him. It was an heinous injury to the said Rajah, to attempt to change his relation without his consent, especially on account of the person to whom he was to be made over for money, by reason of the known enmity subsisting between his family and that of the Nabob, who was to be the purchaser; and it was a grievous outrage on the innocent inhabitants of the Zemindary of Benares, to propose putting them under a person long before described by himself, to the Court of Directors, "to want the qualities of the head and heart requisite for his station;" and in a letter from the British resident at Owde, transmitted to the said Court, represents him "to have wholly lost, by his oppressions, the confidence and affections of his own subjects;" and whose distresses, and the known disorders in his government, he, the said Hastings, did attribute solely to his own bad conduct and evil character: admitting also in a letter written to Edward Wheler, Esq. and transmitted to the Court of Directors, "that many circumstances did favour suspicion of his (the said Nabob's) fidelity to the English interest, the Nabob being surrounded by men base in their characters, and improvident in their understandings, his favourites and his companions of his looser hours. These had every cause to dread the effect of my influence on theirs; and both these, and the relations of the family, whose views of consequence and power were intercepted by our participation in the administration of his affairs, entertained a mortal hatred to our nation, and openly avowed it." And the said Hastings was well aware, that in case the Nabob, by him described in the manner aforesaid, on making such purchase, should continue to observe the terms of his father's original covenants and engagements with the Rajah, and should pay the Company the only tribute which he could lawfully exact from the said Rajah; it was impossible that he could, for the mere naked and unprofitable rights of a sovereignty paramount, afford to offer so great a sum as the Rajah did offer to the said Hastings, for his redemption from oppression. Such an acquisition



to the Nabob (while he kept his faith) could not possibly be of any advantage whatever to him; and that therefore, if a great sum was to be paid by the Nabob or Owde, it must be for the purpose of oppression, and violation of public faith, to be perpetrated in the person of the said Nabob, to an extent and in a manner which the said Hastings was then apprehensive he could not justify to the Court of Directors, as his own personal act.

---

### P A R T    I I I .

#### *EXPULSION, of the RAJAH of BENARES.*

##### I.

**T**HAT the said Warren Hastings, being resolved on the ruin of the Rajah aforesaid, as a preliminary step thereto did, against the express orders of the Court of Directors, remove Francis Fowke, Esquire, the Company's Resident at the city of Benares, without any complaint, or pretence of complaint whatsoever, but merely on his own declaration, that he must have, as a resident at Benares, a person of his own special and personal nomination and confidence, and not a man of the Company's nomination; and in the place of the said Francis Fowke, thus illegally divested of his office, did appoint thereto another servant of the Company, of his own choice.

##### II.

That soon after he had removed the Company's Resident, he prepared for a journey to the upper Provinces, and particularly to Benares, in order to execute the wicked and perfidious designs by him before meditated and contrived; and although he did communicate his purpose privately to such persons as he thought fit to entrust therewith, he did not enter any thing on the consultations to that purpose, or record the principles, real or pretended, on which he had resolved to act, nor did he state any guilt in the Rajah which he intended to punish, or charge him, the said Rajah, with entertaining any hostile intentions, the effects of which were to be prevented by any strong measure; but on the contrary, he did industriously conceal his real designs from the Court of Directors, and did fallaciously enter on the consultations a minute declaratory of purposes wholly different therefrom, and which supposed nothing more than an amicable adjustment, founded on the treaties between the Company and the Rajah, investing himself by his said minute with "full power and authority to form *such* arrangements with the Rajah of Benares, for the *better* government and management of his Zemindary, and to perform such acts for the improvement of the interest which the Company possesses in it, as he shall think *fit and consonant to the mutual engagements subsisting between the Company and the Rajah*;" and for this and other purposes he did invest himself with the whole power of the Council, giving to himself an authority, as if his acts had been the acts of the Council itself; which, though a power of a dangerous, unwarrantable, and illegal extent, yet does plainly imply the following limits, namely, that the acts done should be *arranged with* the Rajah, that is, with *his consent*; and, Secondly, That they should be consonant to the actual engagements between the parties; and nothing appears in the minute conferring the said power, which did express or imply any authority for depriving the Rajah of his government, or selling the Sovereignty thereof to his hereditary enemy, or for the plunder of his fort treasures.

##### III.

That the said Warren Hastings having formed the plans aforesaid for the ruin of the Rajah, did set out on a journey to the city of Benares with a great train, but with a very small force, not much exceeding six companies of regular black soldiers, to perpetrate some of the unjust and violent acts by him meditated and resolved on: And the said Hastings was met, according to the usage of distinguished persons in that country, by the Rajah of Benares with a very great attendance, both in boats and on shore, which attendance he did apparently intend as a mark of honour and observance to the place and person of the said Hastings, but which the said Hastings did afterwards groundlessly and maliciously represent as an indication of a design upon his life; and the said Rajah came into the pinnace in which the said Hastings was carried, and in a lowly and suppliant manner, alone, and without any guard or attendance whatsoever, entreated his favour; and being received with great sternness and arrogance, he did put his turban in the lap of the said Hastings, thereby signifying, that he abandoned his life and fortune to his disposal,  
and



and then departed ; the said Hastings not apprehending, nor having any reason to apprehend, any violence whatsoever to his person.

#### IV.

That the said Hastings, in the utmost security, and freedom from apprehension, did pursue his journey, and did arrive at the city of Benares on the 14th of August, 1781, some hours before the Rajah, who, soon after his arrival, intended to pay him a visit of honour and respect at his quarters; but was by the said Hastings rudely and insolently forbid, until he should receive his permission. And the said Hastings, although he had previously determined on the ruin of the said Rajah, in order to afford some colour of regularity and justice to his proceedings, did, on the day after his arrival, that is, on the 15th day of August, 1781, send to the Rajah a charge in writing, which, though informal and irregular, may be reduced into four articles, two general, and two more particular. The first of the general being, " That he (the Rajah) had, by the means of his secret agents, endeavoured to excite disorders in the government on which he depended ;" the second, " That he had suffered the *daily* perpetration of robberies and murders, even in the streets of Benares, to the great and public scandal of the English name."

#### V.

That it appears, that the said Warren Hastings is guilty of an high offence, contrary to the fundamental principles of justice, in the said mode of charging misdemeanors, without any specification of person, or place, or time, or act, or any offer of specification or proofs by which the party charged may be enabled to refute the same, in order to unjustly load his reputation, and to prejudice him with regard to the articles more clearly specified.

#### VI.

That the two specified articles relate to certain delays : The first, with regard to the payment of the sums of money unjustly extorted as aforesaid ; and the second, the non-compliance with a requisition of cavalry ; which non-compliance the said Hastings (even if the said charges had been founded) did falsely, and in contradiction to all law, affirm and maintain (in his accusation against the Rajah, and addressing himself to him) " to amount to a *direct* charge of " disaffection and *infidelity* to the government on which you depend." And further proceeded as follows : " I therefore judged it proper to state them (the said charges) thus fully to you in " writing, and to *require* your answer ; and this I expect *immediately*." That the said Hastings, stating his pretended facts to amount to a charge of the nature (as he would have it understood) of high treason, and *therefore* calling for an *immediate* answer, did wilfully act against the rules of natural justice, which requires that a convenient time should be given to answer, proportioned to the greatness of the offence alledged, and the heavy penalties which attend it ; and when he did arrogate to himself a right both to charge and to judge in his own person, he ought to have allowed the Rajah full opportunity for conferring with his ministers, his doctors of law, and his accountants, on the facts charged, and on the criminality inferred in the said accusation of disloyalty and disaffection, or offences of that quality.

#### VII.

That the said Rajah did, under the pressure of the disadvantages aforesaid, deliver in, upon the very evening of the day of the charge, a full, complete, and specific answer to the two articles therein specified ; and did alledge, and offer proof, that the whole of the extraordinary demands of the said Hastings had been actually long before paid and discharged ; and did state a proper defence with regard to the cavalry, even supposing him bound (when he was not bound) to furnish any. And the said Rajah did make a direct denial of the truth of the two *general* articles, and did explain himself on the same in as satisfactory a manner, and as fully, as their nature could permit ; offering to enter into immediate trial of the points in issue between him and the said Hastings, in the remarkable words following : " My enemies, with a view to my ruin, " have made false representations to you. Now that, *happily for me*, you have yourself arrived at " this place, you will be able to ascertain all the circumstances ; first, relative to the horse ; " secondly, to my people going to Calcutta ; and, thirdly, the dates of the receipts of the par- " ticular sums above mentioned. You will then know whether I have amused you with a false " representation, or made a just report to you." And in the said answer the said Rajah complained, but in the most modest terms, of an injury to him of the most dangerous and criminal nature in transactions of such moment, namely, his not receiving any answer to his letters and petitions ; and concluded in the following words : " I have never swerved in the smallest " degree



“ degree from my duty to you. It remains with you to decide on all these matters. I am  
 “ in every case your slave. What is just I have represented to you. May your prosperity  
 “ increase !”

### VIII.

That the said Warren Hastings was bound, by the essential principles of natural justice, to attend to the claim made by the Rajah to a fair and impartial trial and inquiry into the matter of accusation brought against him by the said Hastings, at a time and place which furnished all proper materials, and the presence of all necessary witnesses ; but the said Hastings, instead of instituting the said inquiry, and granting trial, did receive an humble request for justice from a great Prince, as a fresh offence, and as a personal insult to himself ; and did conceive a violent passion of anger, and a strong resentment thereat, declaring, that he did consider the said answer as not only unsatisfactory in substance, but offensive in style : “ This answer you will perceive to be  
 “ not only unsatisfactory in substance, but offensive in style ; and less a vindication of himself  
 “ than a recrimination on me. It expresses no concern for the causes of complaint contained  
 “ in my letter, or desire to atone for them, nor the smallest intention to pursue a different line  
 “ of conduct : An answer couched nearly *in terms of defiance* to requisitions of so serious a  
 “ nature, I could not but consider as a *strong indication of that spirit of independency* which the  
 “ Rajah has for some years past assumed, and of which indeed I had early observed other  
 “ manifest symptoms both before and from the instant of my arrival.”—Which representation is altogether, and in all parts thereof, groundless and injurious ; as the substance of the answer is a justification proper to be pleaded, and the style, if in any thing exceptionable, it is in its extreme humility, resulting rather from an unmanly and abject spirit, than from any thing of an offensive liberty ; but being received as disrespectful by the said Hastings, it abundantly indicates the tyrannical arrogance of the said Hastings, and the depression into which the natives are sunk under the British government.

### IX.

That the said Warren Hastings, pretending to have been much alarmed at the offensive language of the said Rajah's defence, and at certain appearances of independency which he had observed, not only on former occasions, but since his arrival at Benares (where he had been but little more than one day) and which appearances he never has specified in any one instance, did assert that he conceived himself indispensably called upon to adopt some decisive plan ; and without any further enquiry or consultation (which appears) with any person, did, at ten o'clock of the very night on which he received the before-mentioned full and satisfactory, as well as submissive answer, send an order to the British Resident (then being a public minister representing the British government at the court of the said Rajah, and as such bound by the law of nations to respect the prince at whose court he was resident, and not to attempt any thing against his person or state ; and who ought not therefore to have been chosen by the said Hastings, and compelled to serve in that business) that he should on the next morning arrest the said prince in his palace, and keep him in his custody until further orders ; which said order being conceived in the most peremptory terms, the Rajah was put under arrest, with a guard of about thirty orderly Sepoys, with their swords drawn : And the particulars thereof were reported to him as follows.

“ Honourable Sir,

“ I this morning, in obedience to your orders of last night, proceeded with a few of my  
 “ orderlies, accompanied by Lieutenant Stalker, to Shewalla Ghaut, the present residence of  
 “ Rajah Cheyt Sing ; and acquainted him, it was your pleasure he should consider himself in  
 “ arrest ; that he should order his people to behave in a quiet and orderly manner, for that any  
 “ attempt to rescue him would be attended with his own destruction. The Rajah submitted quietly  
 “ to the arrest, and assured me, that whatever were your orders, he was ready implicitly to  
 “ obey : He hoped that you would allow him a *subsistence* ; but as for his *Zemindary, his forts,*  
 “ *and his treasure, he was ready to lay them at your feet, and his life if required.* He expressed  
 “ himself much hurt at the ignominy which he affirmed must be the consequence of his con-  
 “ finement ; and intreated me to return to you with the foregoing submission, hoping that you  
 “ would make allowances for his youth and inexperience, and in consideration of his father's  
 “ name release him from his confinement, as soon as he should prove the sincerity of his offers,  
 “ and himself deserving of your compassion and forgiveness.”

That



## X.

That a further order was given, that every servant of the Rajah's should be disarmed, and a certain number only left to attend him, under a strict watch. In a quarter of an hour after this conversation, two companies of grenadier Sepoys were sent to the Rajah's palace by the said Hastings; and the Rajah being dismayed by this unexpected and unprovoked treatment, wrote two short letters or petitions to the said Hastings, under the greatest apparent dejection at the outrage and dishonour he had suffered in the eyes of his subjects, all imprisonment of persons of rank being held in that country as a mark of indelible infamy, and he also in all probability considering his imprisonment as a prelude to the taking away his life; and in the first of the said petitions he did express himself in this manner: "Whatever may be your pleasure, do it with your own hands, I am your slave. What occasion can there be for a guard?" And in the other, "My honour was bestowed on me by your Highness. It depends on you alone to take away, or not to take away the country out of my hands. In case my honour is not left to me, how shall I be equal to the business of the Government? whoever, with his hands in a supplicating posture, is ready with his life and property, what necessity can there be for him to be dealt with in this way?"

## XI.

That according to the said Hastings's narrative of this transaction, he (the said Hastings) on account of the apparent despondency in which these letters were written, "thought it *necessary* to give him *some* encouragement;" and therefore wrote him a note of a few lines, carelessly and haughtily expressed, and little calculated to relieve him from his uneasiness, promising to send to him a person to explain particulars; and desiring him "to set his mind at rest, and not to conceive any terror or apprehension." To which an answer of great humility and dejection was received.

## XII

That the report of the Rajah's arrest did cause a great alarm in the city, in the suburbs of which the Rajah's palace is situated, and in the adjacent country. The people were filled with dismay and anger at the outrage and indignity offered to a Prince under whose government they enjoyed much ease and happiness. Under these circumstances the Rajah desired leave to perform his ablutions; which was refused, unless he sent for water, and performed that ceremony on the spot. This he did. And soon after some of the people, who now began to surround the palace in considerable numbers, attempting to force their way into the palace, a British officer commanding the guard upon the Rajah struck one of them with his sword. The people grew more and more irritated; but a message being sent from the Rajah to appease them, they continued, on this interposition, for a while quiet. Then the Rajah retired to a sort of stone pavilion or bastion, to perform his devotions, the guard of Sepoys attending him in this act of religion. In the mean time a person of the meanest station, called a Chubdar, at best answering to our common beadle or tipstaff, was sent with a message (of what nature does not appear) from Mr. Hastings or the Resident, to the Prince under arrest; and this base person, without regard to the rank of the prisoner, or to his then occupation, addressed him in a rude, boisterous manner, "passionately and insultingly," (as the said Rajah has without contradiction asserted) "and reviling him with a loud voice, gave both him and his people the vilest abuse;" and the manner and matter being observable and audible to the multitude, divided only by an open stone lattice from the scene within; and a firing commenced from without the palace; on which the Rajah again interposed, and did what in him lay to suppress the tumult, until an English officer striking him with a sword, and wounding him on the hand, the people no longer kept any measures, but broke through the inclosures of the palace. The insolent tipstaff was first cut down, and the multitude falling upon the Sepoys and the English officers, the whole, or nearly the whole, were cut to pieces; the soldiers having been ordered to that service without any charges for their pieces. And in this tumult the Rajah, being justly fearful of falling into the hands of the said Hastings, did make his escape over the walls of his palace, by means of a rope, formed of his turban tied together, into a boat upon the river, and from thence into a place of security; abandoning many of his family to the discretion of the said Hastings, who did cause the said palace to be occupied by a company of soldiers, after the flight of the Rajah.

## XIII.

That the Rajah, as soon as he had arrived at a place of refuge, did, on the very day of his flight, send a suppliant letter to the said Hastings, filled with expressions of concern (affirmed by the said Hastings to be slight expressions) for what had happened, and professions (said by the said Hastings to be indefinite and unapplied) of fidelity: But the said Warren Hastings,



though bound by his duty to hear the said Rajah, and to prevent extremities if possible, being filled with insolence and malice, did not think it "*becoming* of him to make any reply to it; and that he *thought* he ordered the bearer of the letter to be told that it *required none*."

#### XIV.

That this letter of submission having been received, the said Rajah, not discouraged or provoked from using every attempt towards peace and reconciliation, did again apply, on the very morning following, to Richard Johnson, Esquire, for his interposition, but to no purpose; and did likewise, with as little effect, send a message to Cantû Babû, native Steward and confidential Agent of the said Hastings, which was afterwards reduced into writing, "to exculpate himself from any concern in what had passed, and to profess his obedience to his *will* (Hastings's) *in whatever way* he should dictate." But the said Hastings, for several false and contradictory reasons by him assigned, did not take any advantage of the said opening, attributing the same to artifice, in order to gain time; but instead of accepting the said submission, he did resolve upon flight from the City of Benares, and did suddenly fly therefrom in great confusion.

#### XV.

That the said Hastings did persevere in his resolutions not to listen to any submission, or offer of accommodation whatsoever, though several were afterwards made, through almost every person who might be supposed to have influence with him, but did cause the Rajah's troops to be attacked and fallen upon, though they only acted upon the defensive (as the Rajah has without contradiction asserted) and thereby, and by his preceding refusal of propositions of the same nature, and by other his perfidious, unjust, and tyrannical acts, by him perpetrated and done, and by his total improvidence in not taking any one rational security whatsoever against the inevitable consequences of those acts, did make himself guilty of all the mutual slaughter and devastation which ensued, as well as, in his opinion, of the imminent danger of the total subversion of the British power in India, by the risque of his own person, which he asserts that it did run; as also, "that it ought not to be thought that he attributed too much consequence to his personal safety, when he supposed *the fate of the British Empire in India connected with it*; and that, mean as its substance may be, its accidental qualities were equivalent to those, which, like the characters of a Talisman in the Arabian Mythology, formed the *essence* of the State itself, representation, title, and the *estimate* of the public opinion. That had he fallen, such a stroke would be universally considered as decisive of the national fate. Every State round it would have started into arms against it; and *every subject of its own dominion would, according to their several abilities, have become its enemy*." And that he knew, and has declared, that though the said stroke was not struck, that great convulsions did actually ensue from his proceedings. "That half the Province of Owde was in a state of as complete rebellion as that of Benares;" and that invasions, tumults, and insurrections, were occasioned thereby in various other parts.

#### XVI.

That the said Warren Hastings, after he had collected his forces from all parts, did, with little difficulty or bloodshed, subsequent to that time, on the part of his troops, and in a few days, entirely reduce the said Province of Benares; and did, after the said short, and little-resisted hostility, in cold blood, issue an order for burning a certain town, in which he accused the people at large of having killed, "upon what provocation he knows not," certain wounded Sepoys who were prisoners; which orders, being *generally* given, when it was his duty to have made some enquiry concerning the particular offenders, but which he did never make or cause to be made, was cruel, inhuman, and tended to the destruction of the revenues of the Company; and that this, and other acts of devastation, did cause the loss of two months of the collections.

#### XVII.

That the said Warren Hastings did not only refuse the submissions of the said Rajah, which were frequently repeated through various persons after he had left Benares, and even after the defeat of certain of the Company's forces, but did proscribe and except him from the pardons which he issued after he had satisfied his vengeance on the Province of Benares.

#### XVIII. That



XVIII.

That the said Warren Hastings did send to a certain castle called Bidzigur, the residence of a person of high rank, called Pauna, the mother of the Rajah of Benares, with whom his wife, a woman described by the said Hastings "to be of an amiable character," and all the other women of the Rajah's family, and the survivors of the family of his father, Bulwant Sing, a body of troops to dispossess them of her said residence, and to seize upon her money and effects, although she did not stand, even by himself, accused of any offence whatsoever; pretending, but not proving, and not attempting to prove, *then* nor since, that the treasures therein contained were the property of the Rajah, and not her own; and did, in order to stimulate the British soldiery to rapine and outrage, issue to them several barbarous orders, contrary to the practice of civilized nations, relative to their property, moveable and immoveable, attended with unworthy and unbecoming menaces, highly offensive to the manners of the East, and the particular respect there paid to the female sex; which letters and orders, as well as the letters which he had received from the Officers concerned, the said Hastings did unlawfully suppress, until forced, by the disputes between him and the said Officers, to discover the same; and the said orders are as follow :

" I am this instant favoured with yours of yesterday. Mine of the same date (22d October, 1781) has before this time acquainted you with my resolutions and sentiments respecting the Rannee (the mother of the Rajah Cheyt Sing). I think every demand she has made to you, except that of safety and respect for her person, is unreasonable. If the reports brought to me are true, *your rejecting her offers, or any negotiations with her*, would soon obtain you possession of the Fort upon your own terms. I apprehend that she will contrive to defraud the captors of a considerable part of the booty, by being suffered to retire without examination. But this is your consideration, and not mine. I should be very sorry that your officers and soldiers lost ANY PART of the reward to which they are so well entitled; but I cannot make any objection, as you must be the best judge of the expediency of the promised indulgence to the Rannee. What you have engaged for, I will certainly ratify; but as to permitting the Rannee to hold the Purgunnah of Hurluk, or any other in the Zemindary, without being subject to the authority of the Zemindar, or any lands whatever, *or indeed making any conditions with her for a provision, I will never consent to it.*" And in another letter to the same person, dated Benares, 3d of November, 1781, in which he the said Hastings consents that the said woman of distinction should be allowed to evacuate the place, and to receive protection, he did express himself as follows : " I am willing to grant her now the same conditions to which I at first consented; provided that she delivers into your possession, within twenty-four hours from the time of receiving your message, the Fort of Bidzigur, with the treasure and effects lodged therein by Cheyt Sing, or any of his adherents, with the reserve only, as above-mentioned, of such articles as you shall think necessary to her sex and condition, or as you shall be disposed of yourself to indulge her with. If she complies, as I expect she will, it will be your part to secure the Fort, and the property it contains, for the benefit of yourself and detachment. I have only further to request that you will grant an escort, if Pauna should require it, to conduct her here, or wherever she may choose to retire to. But should she refuse to execute the promise she has made, *or delay it beyond the term of 24 hours*, it is my positive injunction that you immediately put a stop to any further intercourse or negotiation with her, and on no pretext renew it. If she disappoints *or trifles* with me, after I have subjected my Duan to the disgrace of returning ineffectually, and of course myself to discredit, I shall consider it as a wanton affront and indignity which I can never forgive, nor will I grant her any conditions whatever, but leave her exposed to those dangers which she has chosen to risque, rather than trust to the clemency and generosity of our government. I think *she cannot be ignorant of these consequences, and will not venture to incur them*; and it is for this reason I place a dependence on her offers, and have consented to send my Duan to her."

XIX.

That the Castle aforesaid being surrendered upon terms of safety, and on express condition of not attempting to search their persons, the woman of rank aforesaid, her female relations, and female dependants, to the number of three hundred, besides children, evacuated the said Castle; but the spirit of rapacity being excited by the letters and other proceedings of the said Hastings, the capitulation was shamefully and outrageously broken, and in despite of the endeavours of the commanding officer, the said woman of high condition, and her female dependants, friends, and servants, were plundered of the effects they carried with them, and which were reserved to them in the capitulation of their Fortress, and in their persons were otherwise rudely and inhumanly dealt with, by the licentious followers of the camp; for which outrages, represented to the said Hastings with great concern by the commanding officer, Major Popham, he, the said Hastings, did afterwards recommend a late and fruitless redress.

XX. That



## XX.

That the Governor General, Warren Hastings, in exciting the hopes of the military, by declaring them *well entitled to the plunder* of the Fortrefs aforesaid, the residence of the mother and other women of the Rajah of Benares, and by wishing the troops to secure the same for their own benefit, did advise and act in direct contradiction to the orders of the Court of Directors, and to his own opinion of his public duty, as well as to the truth and reality thereof; he having some years before entered in writing the declaration which follows: “The very idea of prize money suggests to my remembrance *the former disorders which arose in our army from this source, and had almost proved fatal to it.* Of this circumstance you must be sufficiently apprized, and of the necessity for discouraging every expectation of this kind amongst the troops—it is to be avoided like poison. The bad effects of a similar measure were but too plainly felt in a former period, and our Honourable Masters did not fail on that occasion to reprobate with their censure, in the most severe terms, a practice which they regarded as the source of infinite evils; and which, if established, would in their judgment necessarily bring corruption and ruin on their army.”

## XXI.

That the said Hastings, after he had given the license aforesaid, and that in consequence thereof the booty found in the Castle, to the amount of 23,27,813 current rupees, was distributed among the soldiers employed in its reduction, the said Hastings did retract his declaration of right, and his permission to the soldiers to appropriate to themselves the plunder, and endeavoured by various devices and artifices to explain the same away, and to recover the spoil aforesaid for the use of the Company; and wholly failing in his attempts to resume, by a breach of faith with the soldiers, what he had unlawfully disposed of by a breach of duty to his constituents, he attempted to obtain the same as a loan, in which attempt he also failed; and the aforesaid money being the only part of the treasures belonging to the Rajah, or any of his family that had been found, he was altogether frustrated in the acquisition of every part of that dishonourable object, which alone he pretended to and pursued through a long series of acts of injustice, inhumanity, oppression, violence, and bloodshed, at the hazard of his person and reputation, and, in his own opinion, at the risk of the total subversion of the British Empire.

## XXII.

That the said Warren Hastings, after the commission of the offences aforesaid, being well aware that he should be called to an account for the same, did, by the evil counsel and agency of Sir Elijah Impey, Knight, his Majesty's Chief Justice, who was then out of the limits of his jurisdiction, cause to be taken at Benares, before or by the said Sir Elijah Impey, and through the intervention, not of the Company's interpreter, but of a certain private interpreter of his, the said Hastings's, own appointment, and a dependant on him, called Major Davy, several declarations and depositions by natives of Indostan, and did also cause to be taken before the said Sir Elijah Impey, several attestations in English, made by British subjects, and which were afterwards transmitted to Calcutta, and laid before the Council General, some of which depositions were upon oath, some upon honour, and others neither upon oath nor honour, but all or most of which were of an irregular and irrelevant nature, and not fit or decent to be taken by a British magistrate, or to be transmitted to a British government.

## XXIII.

That one of the said attestations (but not on oath) was made by a principal Minister of the Nabob of Owde, to whom the said Hastings had some time before proposed to sell the sovereignty of that very territory of Benares; and that one other attestation (not upon oath) was made by a native woman of distinction, whose son he, the said Hastings, did actually promote to the government of Benares, vacated by the unjust expulsion of the Rajah aforesaid, and who in her deposition did declare, that she considered the expelled Rajah as her enemy; and that he never did confer with her, or suffer her to be acquainted with any of his designs.

## XXIV.

That besides the depositions of persons interested in the ruin of the Rajah, others were made by persons who then received pensions from him the said Hastings; and several of the affidavits were made by persons of mean condition, and so wholly illiterate as not to be able to write their names.

## XXV. That



## XXV.

That he, the said Hastings, did also cause to be examined, by various proofs and essays, the result of which was delivered in upon honour, the quality of certain military stores taken by the British troops from the said Rajah of Benares; and upon the report that the same were of a good quality, and executed by persons conversant in the making of good military stores, although the cannon was stated by the same authority to be bad, he, the said Warren Hastings, from the report aforesaid, did maliciously, and contrary to the principles of natural and legal reason, infer that the insurrection which had been raised by his own violence and oppression, and rendered for a time successful by his own improvidence, was the consequence of a premeditated design to overturn the British empire in India, and to exterminate therefrom the British nation; which design, if it had been true, the said Hastings might have known, or rationally conjectured, and ought to have provided against. And if the said Hastings had received any credible information of such design, it was his duty to lay the same before the Council Board, and to state the same to the Rajah when he was in a condition to have given an answer thereto, or to observe thereon; and not after he had proscribed and driven him from his dominions, to have enquired into offences to justify the previous infliction of punishment.

## XXVI.

That it does not appear that in taking the said depositions there was any person present on the part of the Rajah to object to the competence or credibility, or relevancy of any of the said affidavits, or other attestations, or to account, otherwise than as the said deponents did account, for any of the facts therein stated; nor were any copies thereof sent to the said Rajah, although the Company had a Minister at the place of his residence, namely, in the camp of the Mahratta Chief, Scindia, so as to enable him to transmit to the Company any matters which might induce or enable them to do justice to the injured Prince aforesaid. And it does not appear that the said Hastings has ever produced any witness, letter, or other document, tending to prove that the said Rajah ever did carry on any hostile negotiation whatever with any of those powers with whom he was charged with a conspiracy against the Company, previous to the period of the said Hastings's having arrested him in his palace, although he, the said Hastings, had various agents at the Courts of all those Princes; and that a late principal agent and near relation of a Minister of one of them, the Rajah of Berar, called Benaram Pundit, was, at the time of the tumult at Benares, actually with the said Hastings, and the said Benaram Pundit was by him highly applauded for his zeal and fidelity, and was therefore by him rewarded with a large pension on those very revenues which he had taken from the Rajah Cheyt Sing; and if such a conspiracy had previously existed, the Mahratta Minister aforesaid must have known, and would have attested it.

## XXVII.

That it appears that the said Warren Hastings, at the time that he formed his design of seizing upon the treasures of the Rajah of Benares, and of deposing him, did not believe him guilty of that premeditated project for driving the English out of India, with which he afterwards thought fit to charge him, or that he was really guilty of any other great offence; because he has caused it to be deposed, that if the said Rajah should pay the sum of money by him exacted, "he would settle his Zemindary upon him on the most eligible footing:" Whereas, if he had conceived him to have entertained traiterous designs against the Company, from whom he held his tributary estate, or had been otherwise guilty of such enormous offences as to make it necessary to take extraordinary methods for coercing him, it would not have been proper for him to settle upon such a traitor and criminal the Zemindary of Benares, or any other territory, upon the most eligible, or upon any other footing whatever; whereby the said Hastings has by his own stating demonstrated, that the money intended to have been exacted was not as a punishment for crimes, but that the crimes were pretended for the purpose of exacting money.

## XXVIII.

That the said Warren Hastings, in order to justify the acts of violence aforesaid to the Court of Directors, did assert certain false facts, known by him to be such, and did draw from them certain false and dangerous inferences, utterly subversive of the rights of the Princes and subjects dependent on the British nation in India, contrary to the principles of all just government, and highly dishonourable to that of Great-Britain; namely, that the "Rajah of Benares was not a vassal or tributary Prince; and that the deeds which passed between him and the Board upon the transfer of the Zemindary in 1775, were not to be understood to bear the quality and force of a treaty upon optional conditions between equal States; that the



“ payments to be made by him were not a tribute, but a rent; and that the instruments by which his territories were conveyed to him did not differ from common grants to Zemindars, who were merely subjects; but that being nothing more than a common Zemindar and mere subject, and the Company holding the acknowledged rights of his former Sovereign, held an absolute authority over him; that in the known relations of Zemindar to the sovereign authority or power delegated by it, he owed a personal allegiance, and an implicit and unreserved obedience to that authority, at the forfeiture of his Zemindary, and even of his life and property.” Whereas the said Hastings did well know, that whether the payments from the Rajah were called *rent* or *tribute*, having been frequently by himself called the one and the other, and that of whatever nature the instruments by which he held might have been, he did not consider him as a common Zemindar or landholder, but as far independent as a tributary Prince could be; for he did assign as a reason for receiving his rent rather within the Company’s province than in his own capital, that it would not “frustrate the intention of rendering the Rajah *independent*; that if a Resident was appointed to receive the money as it became due at Benares, such a Resident would unavoidably acquire an influence over the Rajah and over his country, which would in effect render him the master of both; that this consequence might not perhaps be brought completely to pass without a struggle, and many appeals to the Council, which, in a government constituted like this, cannot fail to terminate against the Rajah, and by the construction to which his opposition to the agent would be liable, might eventually draw on him severe restrictions, and end *in reducing him to the mean and depraved state of a Zemindar.*”

## XXIX.

And the said Hastings, in the said Minute of Consultation, having enumerated the frauds, embezzlements, and oppressions which would ensue from the Rajah’s being in the dependent state aforesaid; and having obviated all apprehensions from giving to him the implied symbols of dominion, did assert, “that without such appearance, he would expect from every change of government additional demands to be made upon him; and would of course descend to all the arts of intrigue and concealment practised by other dependent Rajahs, which would keep him indigent and weak, and eventually prove hurtful to the Company. But that by proper encouragement and protection, he might prove a profitable dependant, an useful barrier, and even a powerful ally to the Company; but that he would be neither, if the conditions of his connection with the Company were left open to future variations.”

## XXX.

That if the fact had been true, that the Rajah of Benares was merely an eminent landholder, or any other subject, the wicked and dangerous doctrine aforesaid, namely, that he owed a personal allegiance, and an implicit and unreserved obedience to the sovereign authority, at the forfeiture of his Zemindary, and even of his life and property, at the discretion of those who held, or fully represented the sovereign authority, doth leave security neither for life nor property to any persons residing under the Company’s protection; and that no such powers, nor any powers of that nature, had been delegated to the said Warren Hastings, by any provisions of the Act of Parliament appointing a Governor-General and Council at Fort William in Bengal.

## XXXI.

That the said Warren Hastings did also advance another dangerous and pernicious principle, in justification of his violent, arbitrary, and iniquitous actions aforesaid; namely, “that if he had acted with an unwarrantable rigour, and even injustice towards Cheyt Sing, yet, first, if he did *believe* that extraordinary means were necessary, and those exerted with a strong hand, to preserve the Company’s interests from sinking under the accumulated weight that oppressed them; or, secondly, if he saw a *political necessity* for curbing the *overgrown power* of a great Member of their dominion, and to make it contribute to the relief of their pressing exigencies; that his error would be excusable, as prompted by an excess of zeal for their (the Company’s) interest, operating with too strong a bias on his judgment;—but that much stronger is the presumption that such acts are founded on just principles, than that they are the result of a misguided judgment.” That the said doctrines are, in both the members thereof, subversive of all the principles of just government, by empowering a Governor with delegated authority in the first case, on his own private *belief* concerning the necessities of the state, not to levy an impartial and equal rate of taxation suitable to the circumstances of the several members of the community, but to select any individual from the same as an object of arbitrary and unmeasured imposition; and, in the second case, enabling the same Governor, on the same arbitrary principles, to determine whose property should be considered as overgrown, and to reduce the same at his pleasure.



## P A R T IV.

## SECOND REVOLUTION in BENARES.

**T**HAT the said Warren Hastings, after he had, in the manner aforesaid, unjustly and violently expelled the Rajah Cheyt Sing, the Lord or Zemindar of Benares, from his said Lordship or Zemindary, did, of his own mere usurped authority, and without any communication with the other Members of the Council of Calcutta, appoint another person, of the name of Mehip Narrain, a descendant by the mother from the late Rajah Bulwant Sing, to the government of Benares; and, on account or pretence of his youth and inexperience (the said Mehip Narrain not being above twenty years old) did appoint his father Durbege Sing to act as his representative or administrator of his affairs; but did give a controuling authority to the British Resident over both, notwithstanding his declarations before-mentioned of the mischiefs likely to happen to the said country from the establishment of a Resident, and his opinion since declared, in a letter to the Court of Directors, dated from this very place (Benares) the 1st of October, 1784, to the same or stronger effect, in case “ Agents are sent into the country, and “ armed with authority for the purposes of vengeance and corruption, *for to no other will they “ be applid.*”

That the said Warren Hastings did, by the same usurped authority, entirely set aside all the agreements made between the late Rajah and the Company (which were real agreements with the State of Benares, in the person of the Lord or Prince thereof, and his heirs); and without any form of trial, inquisition, or other legal process, for forfeiture of the privileges of the people to be governed by magistrates of their own, and according to their natural laws, customs, and usages, did, contrary to the said agreement, separate the mint and the criminal justice from the said government, and did vest the mint in the British Resident, and the criminal justice in a Mahomedan native of his own appointment; and did enhance the tribute to be paid from the province from £.250,000 annually, limited by treaty, or thereabouts, to three hundred and thirty thousand pounds for the first year, and to four hundred thousand for every year after; and did compel the administrator aforesaid (father to the Rajah) to agree to the same; and did, by the same usurped authority, illegally impose, and cause to be levied, sundry injudicious and oppressive duties on goods and merchandize, which did greatly impair the trade of the province, and threaten the utter ruin thereof; and did charge several pensions on the said revenues, of his own mere authority; and did send and keep up various bodies of the Company's troops in the said country, and did perform sundry other acts, with regard to the said territory, in total subversion of the rights of the Sovereign and the people, and in violation of the treaties and agreements aforesaid.

That the said Warren Hastings being absent, on account of ill health, from the Presidency of Calcutta, at a place called Nia Serai, about forty miles distant therefrom, did carry on a secret correspondence with the Resident at Benares, and under colour that the instalments for the new rent or tribute were in arrear, did, of his own authority, make, in about one year, a second revolution in the government of the territory aforesaid; and did order and direct that Durbege Sing aforesaid, father of the Rajah, and administrator of his authority, should be deprived of his office and of his lands, and thrown into prison, and did threaten him with death, although he, the said Warren Hastings, had, at the time of the making his new arrangement, declared himself sensible that the rent aforesaid might require abatement; although he was well apprized that the administrator had been for two months of his administration in a weak and languid state of body, and wholly incapable of attending to the business of the collections; though a considerable drought had prevailed in the said province, and did consequently affect the regularity and produce of the collections; and though he had other sufficient reason to believe that the said administrator had not himself received from the collectors of government, and the cultivators of the soil, the rent in arrear; yet he, the said Warren Hastings, without any known process, or recording any answer, defence, plea, exculpation, or apology from the party, or recording any other grounds of rigour against him, except the following paragraph of a letter from the Resident, not only gave the order as aforesaid, but did afterwards, without laying any other or better ground before the Council General, persuade them to, and did procure from them, a confirmation of the aforesaid cruel and illegal proceedings, the correspondence concerning which had not been before communicated: he pleading his illness for not communicating the same, though that illness did not prevent him from carrying on correspondence concerning the deposition of the said administrator, and other important affairs in various places.

That



That in the letter to the Council, requiring the confirmation of his acts aforesaid, the said Warren Hastings did not only propose the confinement of the said administrator at Benares, although by his imprisonment he must have been in a great measure disabled from recovering the balances due to him, and for the non-payment of which he was thus imprisoned, but did propose as an alternative his imprisonment at a remote fortress, out of the said territory, and in the Company's provinces called Chunar; desiring them to direct the Resident at Benares "to exact from Baboo Durbitzee Sing every rupee of the collections which it shall appear that he has made, and not brought to account; and either to confine him at Benares, or to send him a prisoner to Chunar, and to keep him in confinement until he shall have discharged the whole of the amount due from him." And the said Warren Hastings did assign motives of passion and personal resentment for the said unjust and rigorous proceedings, as follows: "I feel myself, and may be allowed on such an occasion to acknowledge it, personally hurt at the ingratitude of this man, and at the discredit which his ill conduct has thrown on my appointment of him. He has deceived me; he has offended against the Government which I then represented." And, as a further reason for depriving him of his jaghire (or salary out of land) he did insinuate in the said letter, but without giving or offering any proof, "that the said Rajah had been guilty of *little and mean peculations*, although the appointments assigned to him had been sufficient to free him from the temptations thereto."

That it appears, as it might naturally have been expected, that the wife of the said administrator, the daughter of Bulwant Sing the late Rajah of Benares, and her son the reigning Rajah, did oppose to the best of their power, but by what remonstrances, or upon what plea, the said Warren Hastings did never inform the Court of Directors, the deposition, imprisonment, and confiscation of the estates of the husband of the one, and the father of the other; but that the said Hastings, persisting in his malice, did declare to the said Council as follows: "The opposition made by the Rajah and the old Rannee, both equally incapable of judging for *themselves*, do certainly originate from some secret influence, which ought to be checked by a decided and peremptory declaration of the authority of the Board, and a denunciation of their displeasure at *their presumption*."

That the said Warren Hastings, not satisfied with the injuries done, and the insults and disgraces offered to the family aforesaid, did, in a manner unparalleled, except by an act of his own on another occasion, fraudulently and inhumanly endeavour to make the wife and son of the said administrator, contrary to the sentiments and the law of nature, the instruments of his oppressions, directing, "that if they (the mother and son aforesaid) could be *induced* to yield the *appearance of a cheerful acquiescence* in the new arrangements, and to adopt it as a *measure formed with their participation*, it would be better than that it should be done by a declared act of compulsion, but that at all events it ought to be done."

That, in consequence of the pressing declarations aforesaid, the said Warren Hastings did on his special recommendation appoint, in opposition to the wishes and desires of the Rajah and his mother, another person to the administration of his affairs, called Jagher Deo Seo.

That the Company having sent express orders for the sending the Resident by them before appointed to Benares, the said Warren Hastings did strongly oppose himself to the same; and did throw upon the person appointed by the Company (Francis Fowke, Esquire) several strong but unspecified reflections and aspersions, contrary to the duty he owed to the Company, and to the justice he owed to all its servants.

That the said Resident being appointed by the votes of the rest of the Council, in obedience to the reiterated orders of the Company, and in despite of the opposition of the said Hastings, did proceed to Benares; and on the representation of the parties, and the submission of the accounts of the aforesaid Durbitzee Sing to an arbitrator, did find him, the said Durbitzee Sing, in debt to the Company for a sum not considerable enough to justify the severe treatment of the said Durbitzee Sing: his wife and son complaining, at or about the same time, that the balances due to him from the aumils, or sub-collectors, had been received by the new administrator, and carried to his own credit, in prejudice and wrong to the said Durbitzee Sing; which representation, the only one that has been transmitted on the part of the said sufferers, has not been contradicted.

That it appears that the said Durbitzee Sing did afterwards go to Calcutta, for the redress of his grievances; and that it does not appear that the same were redressed, or even his complaints heard, but he received two peremptory orders from the Supreme Council to leave the said city, and to return to Benares: that on his return to Benares, and being there met by Warren Hastings aforesaid, he, the said Warren Hastings, although he had reason to be well assured



assured that the said Durbitzee Sing was in possession of small or no substance, did again cruelly and inhumanly, and without any legal authority, order the said Durbitzee Sing to be strictly imprisoned : and the said Durbitzee Sing, in consequence of the vexations, hardships, and oppressions aforesaid, died in a short time after, insolvent ; but whether in prison or not, does not appear.

---

P A R T V.

THIRD REVOLUTION in BENARES.

**T**HAT the said Warren Hastings having, in the manner before recited, divested Durbitzee Sing of the Administration of the Province of Benares, did, of his own arbitrary will and pleasure, and against the remonstrances of the Rajah and his Mother (in whose name and in whose right the said Durbitzee Sing, Father of the one and Husband of the other, had administered the affairs of the Government) appoint a person, called Jagher Deo Seo, to administer the same.

That the new Administrator, warned by the severe example made of his Predecessor, is represented by the said Warren Hastings as having made it his " avowed principle" (as it might be expected it should be) " that the sum fixed for the revenue *must* be collected." And he did, upon the principle aforesaid, and by the means suggested by a principle of that sort, accordingly levy from the country, and did regularly discharge to the British Resident at Benares, by monthly payments, the sums imposed by the said Warren Hastings, as it is asserted by the Resident Fowke ; but the said Warren Hastings did assert, that his annual collections did not amount to more than lack 37,37,600, or thereabouts, which he says is much short of the revenues of the province, and is by about twenty-four thousand pounds short of his agreement.

That it further appears, that notwithstanding the new Administrator aforesaid was appointed two months, or thereabouts, after the beginning of the Fufeli year, that is to say, about the middle of November, 1782, and the former Administrator had collected a certain portion of the revenues of that year, amounting to £.17,000, and upwards ; yet he, the said new Administrator, upon the unjust and destructive principle aforesaid, suggested by the cruel and violent proceedings of the said Warren Hastings towards his Predecessor, did levy on the province, within the said year, the whole amount of the revenues to be collected, in addition to the sum collected by his Predecessor aforesaid.

That, on account of a great drought which prevailed in the province aforesaid, a remission of certain duties in grain was proposed by the Chief Criminal Judge at Benares ; but the Administrator aforesaid, being fearful that the revenue should fall short in his hands, did strenuously oppose himself to the necessary relief to the inhabitants of the said city.

That notwithstanding the cantonment of several bodies of the Company's troops within the province, since the abolition of the Native Government, it became subject in a particular manner to the depredations of the Rajahs upon the borders ; insomuch that in one quarter no fewer than thirty villages had been sacked and burned, and the inhabitants reduced to the most extreme distress.

That the Resident, in his letter to the Board at Calcutta, did represent that the collection of the revenue was become very difficult ; and, besides the extreme drought, did assign for a cause of that difficulty the following :

" That there is also one fund, which, in former years, was often applied in this country to remedy temporary inconveniences in the revenue, and which in the present year does not exist. This was the private fortunes of merchants and shroffs (bankers) resident in Benares, from whom aumils (collectors) of credit could obtain temporary loans, to satisfy the immediate calls of the Rajah. These sums, which used to circulate between the aumil and the merchant, have been turned into a different channel, by bills of exchange to defray the expences of Government, both on the West Coast of India, and also at Madras." To which representation



representation it does not appear that any answer was given, or that any mode of redress was adopted in consequence thereof.

That the said Warren Hastings, having passed through the Province of Benares (Gauzipore) in his progress towards Oude, did, in a letter dated from the City of Lucknow the 2d of April, 1784, give to the Council Board at Calcutta an account (highly dishonourable to the British Government) of the effect of the arrangements made by himself in the years 1781 and 1782, in the words following: "Having contrived, by making forced stages, while the troops of my escort marched at the ordinary rate, to make a stay of five days at Benares, I was thereby furnished with the means of acquiring some knowledge of the state of the Province, which I am anxious to communicate to you. Indeed the enquiry, which was in a great degree *obtruded upon me*, affected me with very mortifying reflections on my inability to apply it to any useful purpose. From the confines of Buxar to Benares, I was followed and *fatigued* by the clamours of the discontented inhabitants. It was what I expected in a degree, because it is rare that the exercise of authority should prove satisfactory to all who are the objects of it. The distresses which were produced by the long continued drought, unavoidably tended to heighten the general discontent; yet *I have reason to fear that the cause existed principally in a defective, if not a corrupt and oppressive, Administration.*" "Of a multitude of petitions which were presented to me, and of which I took minutes, every one, that did not relate to a personal grievance, contained the representation of one and the same species of oppression, which is in its nature of an influence most fatal to the future cultivation. The practice to which I allude is this: It is affirmed that the aumils and renters exact, from the proprietors of the actual harvest, a large increase in kind on their stipulated rent; that is, from those who hold their potta by the tenure of paying *one-half* of the produce of their crops, either *the whole*, without subterfuge, or a large proportion of it by a *false measurement*, or other pretexts; and from those, whose engagements are for a fixed rent *in money*, the half, or a greater proportion, is taken *in kind*. This is in effect a tax upon the industry of the inhabitants; since there is scarce a field of grain in the Province, *I might say not one*, which has not been preserved by the incessant labour of the cultivator, by digging wells for their supply, or watering them from the wells of masonry, with which their country abounds, or from the neighbouring tanks, rivers, and nullahs. The people who imposed on themselves this voluntary and extraordinary labour, and not unattended with expence, did it on the expectation of reaping the profits of it; and it is certain they would not have done it, if they had known that their Rulers, *from whom they were entitled to an indemnification*, would take from them what they had so hardly earned. If the same Administration continues, and the country shall again labour under a want of rain, *every field will be abandoned, the revenue fail, and thousands perish through want of subsistence*; for who will labour for the sole benefit of others, and to make himself the subject of exaction? These practices are to be imputed to the Naib himself: (the Administrator forced by the said Warren Hastings on the present Rajah of Benares). The avowed principle on which he acts, and which he acknowledged to myself, is, that the *whole sum* fixed for the revenue of the province *must* be collected; and that, for this purpose, the deficiencies arising in places where the crops have failed, or which have been left uncultivated, must be supplied from the resources of others, where the soil has been better suited to the season, or the industry of the cultivators hath been more successfully exerted: a principle which, however specious and plausible it may at first appear, *certainly tends to the most pernicious and destructive consequences*. If this declaration of the Naib had been made only to myself, I might have doubted my construction of it; but it was repeated by him to Mr. Anderson, who understood it exactly in the same sense. In the management of the customs, the conduct of the Naib or of the Officer under him, was forced also upon my attention. *The exorbitant rates exacted by an arbitrary valuation of the goods*; the practice of exacting duties *twice* on the same goods, first from the seller, and afterwards from the buyer; and the vexations, disputes and delays, drawn on the merchants by these oppressions, were loudly complained of: and some instances of this kind were said to exist at the very time I was at Benares. Under such circumstances, we are not to wonder if the merchants of foreign countries are discouraged from resorting to Benares, and if the commerce of that Province should annually decay. Other evils, or imputed evils, have accidentally come to my knowledge, which I will not now particularize; as I hope that, with the assistance of the Resident, they may be *in part* corrected. One evil I must mention, because it has been verified by my own observation, and is of that kind which reflects an unmerited reproach on our general and national character. When I was at Buxar, the Resident, at my desire, enjoined the Naib to appoint creditable people to every town through which our route lay, to persuade and encourage the inhabitants to remain in their houses, promising to give them guards as I approached, and they required it for their protection; and that he might perceive how earnest I was for his observation of this precaution, I repeated it to him in person, and dismissed him, that he might preceede me for that purpose. But, to my great disappointment, *I found*

"every



“ every place, through which I passed, abandoned; nor had there been a man left in any of them for their protection. I am sorry to add, that, from Buxar to the opposite Boundary, I have seen nothing but traces of complete devastation in every village; whether caused by the followers of the troops, which have lately passed, for their natural relief, and I know not whether my own may not have had their share, or from the apprehensions of the inhabitants left to themselves, and of themselves deserting their houses. I wish to acquit my own countrymen of the blame of these unfavourable appearances, and in my own heart I do acquit them; for at one encampment a crowd of people came to me, complaining that *their new aumil (collector)* on the approach of any military detachment, himself first fled from the place; and the inhabitants, having no one to whom they could apply for redress, or for the representation of their grievances, and being thus remediless, fled also; so that their houses and effects became a prey to any person who chose to plunder them. The general conclusion appeared to me an inevitable consequence from such a state of facts; and my own senses bore testimony to it in this specific instance: nor do I know how it is possible for any officer commanding a military party, how attentive soever he may be to the discipline and forbearance of his people, to prevent disorders, when there is neither opposition to hinder, nor evidence to detect them. These and many other irregularities, I impute solely to the Naib, and recommend his instant removal.

“ I cannot help remarking, that except the City of Benares, the Province is in effect without a government. The Administration of the Province is misconducted, and the people oppressed, trade discouraged, and the revenue in danger of a rapid decline, from the violent appropriation of its means.”

That the said Warren Hastings did recommend to the Council, for a remedy of the disorders and calamities which had arisen from his own acts, dispositions, and appointments, that the Administrator aforesaid should be instantly removed from his office; attributing the aforesaid irregularities, and many others, solely to him; although on his own representation, it does appear that he was the sole cause of the irregularities therein described: neither does it appear that the Administrator, so by the said Hastings nominated and removed, was properly charged and called to answer for the said recited irregularities, or for the many others not recited, but attributed solely to him; nor has any plea or excuse from him been transmitted to the Board, or to the Court of Directors: but he was, at the instance of the said Hastings, deprived of his said office, contrary to the principles of natural justice, in a violent and arbitrary manner; which proceeding, combined with the example made of his predecessor, must necessarily leave to the person, who should succeed to the said office, no distinct principle upon which he might act with safety. But, in comparing the consequences of the two delinquencies charged, the failure of the payment of the revenues (from whatever cause it may arise) is more likely to be avoided than any severe course towards the inhabitants; as the former fault was, besides the deprivation of office, attended with two imprisonments, with a menace of death, and an actual death, in disgrace, poverty, and insolvency; whereas the latter, namely, the oppression, and thereby the total ruin of the country, charged on the second Administrator, was only followed by a loss of office; although he, the said Warren Hastings, did further assert (but with what truth does not appear) that the collection of the last Administrator had fallen much short of the revenue of the Province.

That the said Warren Hastings himself was sensible that the frequent changes by him made would much disorder the management of the revenues, and seemed desirous of concealing his intentions concerning the last charge until the time of its execution. Yet it appears by a letter from the British Resident, dated 23d of June, 1784, “ that a very strong report prevailed at Benares of his (the said Hastings’s) intentions of appointing a new Naib for the approaching year; and that the effect, which the prevalence of such an idea amongst the Aumils would probably have on the cultivation at this particular time. The heavy musuffil kists [harvest instalments] have now been collected by the Aumils; the season of tillage is arrived; the Ryots [country farmers] must be indulged, and even assisted by advances; and the Aumil must look for his returns in the abundance of the crop, the consequence of this early attention to the cultivation. The effect is evident which the report of a change in the first officer of the Revenue must have on the minds of the Aumils, by leaving them at an uncertainty of what they have in future to expect; and, in proportion to the degree of this uncertainty, their efforts and expences in promoting the cultivation will be languid and sparing.

“ In compliance with the Naib’s request, I have written to all the Aumils, encouraging and ordering them to attend to the cultivation of their respective districts. But I conceive I should be able to promote this very desirable intention much more effectually, if you will honour me

“ with



“ with the communication of your intentions on this subject. At the same time I cannot help  
 “ just remarking, that, if a change is intended, the sooner it takes place the more *the bad effects*  
 “ I have described will be obviated.”

That the Council, having received the proposition for the removal of the Administrator aforesaid, did also in a letter to him (the said Hastings) condemn the frequent changes by him made in the Administration of the collections of Benares; but did consent to such alterations as might be made without encroaching on the rights established by his (the said Hastings's) agreement in the year 1781, and did desire him to transmit to them his plan for a new Administration.

That the said Hastings did transmit a plan, which, notwithstanding the evils which had happened from the former frequent changes, he did propose *as a temporary expedient* for the Administration of the revenues of the said Province; in which no provision was made for the reduction or remission of revenue, as exigences might require; or for the extraction of the circulating specie from the said Province; or for the supply of the necessary advances for cultivation; nor for the removal or prevention of any of the grievances by him before complained of, other than an inspection by the Resident and the chief Criminal Magistrate of Benares, and other regulations equally void of effect and authority: and which plan Mr. Stables, one of the Supreme Council, did altogether reject; but the same was approved of, *as a temporary expedient*, with some exceptions, by two other members of the board, Mr. Wheeler and Mr. Macpherson, declaring the *said Warren Hastings responsible for the temporary expediency of the same*.

That the said Warren Hastings, in the plan aforesaid, having strongly objected to the appointment of any European collectors, that is to say, of any European servants of the Company being concerned in the same, declaring that there had been sufficient experience of the ill effects of their being so employed in the Province of Bengal; by which the said Hastings did either, in loose and general terms, convey a false imputation upon the conduct of the Company's servants employed in the collection of the revenues of Bengal; or he was guilty of a criminal neglect of duty, in not bringing to punishment the particular persons, whose evil practices had given rise to such a general imputation on British subjects and servants of the Company, as to render them unfit for service in other places.

That the said Warren Hastings having, in the course of three years, made three complete Revolutions in the State of Benares, by expelling, in the first instance, the lawful and rightful Governor of the same, under whose care and superintendence a large and certain revenue, suitable to the abilities of the country, and consistent with its prosperity, was paid with the greatest punctuality; and by afterwards displacing two effective Governors or Administrators of the Province, appointed in succession by himself; and, in consequence of the said appointments, and violent and arbitrary removals, the said Province “ being left in effect without a Government,” except in one City only; and having, after all, settled no more than a temporary arrangement; is guilty of an high crime and misdemeanor, in the destruction of the country aforesaid.



(No. 4.)

## The B E G U M S of O W D E.

### I.

**T**HAT the reigning Nabob of Owde, commonly called Asaph ul Dowla (son and successor to Shujah ul Dowlah) by taking into, or continuing in his pay, certain bodies of regular British troops, and by having afterwards admitted the British Resident at his Court into the management of all his affairs, foreign and domestic, and particularly into the administration of his finances, did gradually become, in substance and effect, as well as in general repute and estimation, a dependant on, or Vassal of, the East-India Company; and was, and is, so much under the controul of the Governor General and Council of Bengal, that, in the opinion of all the native powers, the English name and character is concerned in every act of his government.

### II.

That Warren Hastings, Esquire, contrary to the law, and to his duty, and in disobedience to the orders of the East-India Company, arrogating to himself the nomination of the Resident at the Court of Owde, as his particular agent and representative, and rejecting the Resident appointed by the Company, and obtruding upon them a person of his own choice, did, from that time, render himself in a particular manner responsible for the good government of the Provinces composing the dominions of the Nabob of Owde.

### III.

That the Provinces aforesaid having been, at the time of their first connection with the Company, in an improved and flourishing condition, and yielding a revenue of more than three millions of pounds sterling, or thereabouts, did, soon after that period, begin sensibly to decline; and the subsidy of the British troops stationed in that Province, as well as other sums of money, due to the Company by treaty, ran considerably in arrear; although the Prince of the country, during the time these arrears accrued, was otherwise in distress, and had been obliged to reduce all his establishments.

### IV.

That the Prince aforesaid or Nabob of Owde, did, in humble and submissive terms, supplicate the said Warren Hastings, to be relieved from a body of troops, whose licentious behaviour he complained of, and who were stationed in his country without any obligation by treaty to maintain them; pleading the failure of harvest and the prevalence of famine in his country;—a compliance with which request, by the said Warren Hastings, was refused in unbecoming, offensive, and insulting language.

### V.

That the said Nabob, labouring under the aforesaid and other burthens, and being continually urged for payment, was advised to extort, and did extort from his mother and grandmother, under the pretext of loans (and sometimes without that appearance) various great sums of money, amounting in the whole to £.630,000 sterling, or thereabouts; alledging in excuse the rigorous demands of the East-India Company, for whose use the said extorted money had been demanded, and to which a considerable part of it had been applied.

### VI.

That the two Female parents of the Nabob aforesaid, were among the women of the greatest rank, family and distinction in Asia; and were left by the deceased Nabob, the son of the one, and the husband of the other, in charge of certain considerable part of his treasures in money, and other valuable moveables, as well as certain landed estates, called Jaghires, in order to the  
Y support



support of their own dignity, and the honourable maintenance of his women, and a numerous offspring and their dependants; the said family amounting in the whole to two thousand persons, who were by the said Nabob, at his death, recommended in a particular manner to the care and protection of the said Warren Hastings.

## VII.

That on the demand of the Nabob of Owde on his parents for the last of the sums, which completed the six hundred and thirty thousand pounds aforesaid, they the said parents did positively refuse to pay any part of the same to their son, for the use of the Company, until he should agree to certain terms, to be stipulated in a regular treaty; and, among other particulars, to secure them in the remainder of their possessions, and also on no account or pretence to make any further demands or claims on them; and well knowing from whence all his claims and exactions had arisen, they demanded that the said treaty, or family compact, should be guaranteed by the Governor-General and Council of Bengal: And a treaty was accordingly agreed to, executed by the Nabob, and guaranteed by John Bristow, Esquire, the Resident at Owde, under the authority and with the express consent of the said Warren Hastings and the Council General, and, in consequence thereof, the sum last required was paid, and discharges given to the Nabob for all the money which he had borrowed from his own mother and the mother of his father.

That the distresses and disorders of the Nabob's government, and his debt to the Company continuing to encrease, notwithstanding the violent methods before mentioned taken to augment his resources, the said Warren Hastings, on the 21st of May and on the 31st of July 1781, (he and Mr. Wheeler being the only remaining members of the Council General, and he having the conclusive and casting voice, and thereby being in effect the whole Council) did, in the name and under the authority of the Board, resolve on a journey to the upper Provinces, in order to a personal interview with the Nabob of Owde, towards the settlement of his distressed affairs; and did give to himself a delegation of the powers of the said Council, in direct violation of the Company's orders, forbidding such delegation.

## VIII.

That the said Warren Hastings, having by his appointment met the Nabob of Owde near a place called Chunar, and possessing an entire and absolute command over the said prince, he did, contrary to justice and equity and the security of property, as well as to public faith and the sanction of the Company's guarantee, under the colour of a treaty, which treaty was conducted secretly without a written document of any part of the proceeding (except the pretended treaty itself) authorize the said Nabob to seize upon, and confiscate to his own profit, the landed estates, called Jaghires, of his parents, kindred, and principal nobility; only stipulating a pension to the net amount of the rent of the said lands as an equivalent, and that equivalent to such only whose lands had been guaranteed to them by the Company: But provided, neither in the said pretended treaty, nor in any subsequent act, the least security for the payment of the said pension to those for whom such pension was ostensibly reserved; and, for the others, not so much as a shew of indemnity;—to the extreme scandal of the British government, which, valuing itself upon a strict regard to property, did expressly authorize, if it did not command, an attack upon that right, unprecedented in the despotic governments of India.

## IX.

That the said Warren Hastings, in order to cover the violent and unjust proceedings aforesaid, did assert a claim of right in the same Nabob to all the possessions of his said mother and grandmother, as belonging to him by the Mahomedan law; and this pretended claim was set up by the said Warren Hastings, after the Nabob had, by a regular treaty, ratified and guaranteed by the said Hastings as Governor General, renounced and released all demands on them. And this false pretence of a legal demand, was taken up and acted upon by the said Warren Hastings, without laying the said question on record before the Council General, or giving notice to the persons to be affected thereby, to support their rights before any of the principal magistrates and expounders of the Mahomedan law, or taking publicly the opinions of any person conversant therein.

## X.

That, in order to give farther colour to the acts of ill faith and violence aforesaid, the said Warren Hastings did cause to be taken at Lucknow, and other places, before divers persons, and



and particularly before Sir Elijah Impey, Knight, his Majesty's Chief Justice, acting extrajudicially, and not within the limits of his jurisdiction, several passionate, careless, irrelevant, and irregular affidavits, consisting of matter not fit to be deposed on oath; of reports, conjectures, and hearsays; some of the persons, swearing to the said hearsays, having declined to declare from whom they heard the accounts at second hand sworn to: the said affidavits in general tending to support the calumnious charge of the said Warren Hastings; namely, that the aged women before mentioned had formed, or engaged in, a plan for the deposition of their son and sovereign, and the utter extirpation of the English nation: And neither the said charge against persons, whose dependence was principally, if not wholly, on the good faith of this nation, and highly affecting the honour, property, and even lives of women of the highest condition; nor the affidavits intended to support the same, extrajudicially taken *ex parte*, and without notice, by the said Sir Elijah Impey, and others, were at any time communicated to the parties charged, or to any agent for them; nor were they called upon to answer, nor any explanation demanded of them.

## XI.

That the article, affecting private property secured by public acts, in the said pretended treaty, contains nothing more than a general permission, given by the said Warren Hastings, for confiscating such Jaghires or landed estates, with the modifications therein contained, "as *he* [the Nabob] may find necessary;" but does not directly point at, or express by name, any of the landed possessions of the Nabob's mother: But soon after the signing of the said pretended treaty (that is, on the twenty-ninth of November, 1781) it did appear, that a principal object thereof, was to enable the Nabob to seize upon the estates of his female parents aforesaid, which had been guaranteed to them by the East India Company. And although in the treaty, or pretended treaty, aforesaid, nothing more is purported than to give a simple permission to the Nabob to seize upon and confiscate the estates, leaving the execution or non-execution of the same wholly to his discretion; yet it appears by several letters from Nathaniel Middleton, Esquire, the Resident at the court of Owde, of the 6th, 7th, and 9th of December, 1781, that no such discretion, as expressed in the treaty, was left, or intended to be left with him the said Nabob; but that the said article ought practically to have a construction of a directly contrary tendency; that, instead of considering the article as originating from the Nabob, and containing a power provided in his favour, which he did not possess before, the confiscation of the Jaghire aforesaid, was to be considered as a measure originating from the English; and to be intended for their benefit; and as such, that the execution was to be forced upon him; and the execution thereof was accordingly forced upon him. And the Resident, Middleton, on the Nabob's refusal to act in contradiction to his sworn engagement, guaranteed by the East India Company, and in the undutiful and unnatural manner required, did totally supersede his authority in his own dominions, considering himself as impowered so to act by the instructions of the said Hastings, although he had reason to apprehend a general insurrection in consequence thereof, and that he found it necessary to remove his family, "which he did not wish to retain there in case of a rupture with the Nabob, or the necessity of employing the British forces in the reduction of *his* Aumils and troops;" and he did accordingly, as sovereign, issue his own edicts and warrants, in defiance of the resistance of the Nabob, in the manner described by him in the letter aforesaid, in a letter of 6th December, 1781, that is to say, "*Finding the Nabob wavering in his determination about the resumption of the Jaghires, I this day, in presence of and with the minister's concurrence, ordered the necessary perwannahs to be written to the several Aumils for that purpose; and it was my firm resolution to have dispatched them this evening, with proper people to see them punctually and implicitly carried into execution; but before they were all transcribed, I received a message from the Nabob, who had been informed by the minister of the resolution I had taken, intreating that I would withhold the perwannahs until to-morrow morning, when he would attend me, and afford me satisfaction on this point. As the loss of a few hours in the dispatch of the perwannahs appeared of little moment, and as it is possible the Nabob, seeing that the business will at all events be done, may make it an act of his own, I have consented to indulge him in the request; but, be the result of our interview whatever it may, nothing shall prevent the orders being issued to-morrow, either by him or myself, with the concurrence of the Ministers. Your pleasure respecting the Begums I have learnt from Sir Elijah; and the measure heretofore proposed, will soon follow the resumption of the Jaghires. From both, or indeed from the former alone, I have no doubt of the complete liquidation of the Company's balance.*"—And also in another letter of the 7th of December 1781—"I had the honour to address you yesterday, informing you of the steps I had taken in regard to the resumption of the Jaghires. This morning the Vizier came to me according to his agreement, but seemingly without any intention or desire to yield me satisfaction on the subject under discussion; for, after a great deal of conversation, consisting, on his part, of trifling evasion and puerile excuses for withholding his assent to the measure,



“ measure; though at the same time professing the most implicit submission to your wishes, I found myself without any other resource, than the one of employing that exclusive authority with which I consider your instructions to vest me: I therefore declared to the Nabob, in presence of the Minister and Mr. Johnson, who I desired might bear witness of the conversation, that I construed his rejection of the measure proposed, as a breach of his solemn promise to you, and an unwillingness to yield that assistance, which was evidently in his power, towards liquidating his heavy accumulating debt to the Company; and that I must in consequence determine, in my own justification, to issue immediately the perwannahs, which had only been withheld in the sanguine hope, that he would be prevailed upon to make that his own act, which nothing but the most urgent necessity could force me to make mine.—He left me without any reply; but afterwards sent for his Minister, and authorized him to give me hopes, that my requisition would be complied with; on which I expressed my satisfaction, but declared, that I could admit of no further delays; and unless I received his Excellency’s formal acquiescence before the evening, I should then most assuredly issue my perwannahs, which I have accordingly done, not having had any assurances from his Excellency, that could justify a further suspension. I shall, as soon as possible, inform you of the effect of the perwannahs, which, in many parts, I am apprehensive it will be found necessary to enforce with military aid. I am not, however, entirely without hopes that the Nabob, when he sees the inefficacy of further opposition, may alter his conduct, and prevent the confusion and disagreeable consequences which would be too likely to result from the prosecution of a measure of such importance, without his concurrence. His Excellency talks of going to Fyzabad, for the purpose heretofore mentioned, in three or four days; I wish he may be serious in his intention, and you may rest assured, I shall spare no pains to keep him to it.—And further, in a letter of the 9th of December 1781—“ I had the honour to address you on the 7th instant, informing you of the conversation which had passed between the Nabob and me, on the subject of resuming the jaghires, and the step I had taken in consequence. His Excellency appeared to be very much hurt and incensed at the measure; and loudly complains of the treachery of his Ministers; First, in giving you any hopes that such a measure would be adopted; and, Secondly, in their promising me their whole support in carrying it through: But, as I apprehended, rather than suffer it to appear that the point had been carried in opposition to his will, he at length yielded a nominal acquiescence, and has this day issued his own perwannahs to that effect; declaring, however, at the same time, both to me and his Ministers, that it is an act of compulsion. I hope to be able, in a few days, in consequence of this measure, to transmit you an account of the actual value and produce of the jaghires, opposed to the nominal amount at which they stand rated on the books of the Sircar.”

## XII.

“ That the said Warren Hastings, instead of expressing any disapprobation of the proceedings aforesaid, in violation of the rights secured by treaty with the mother and grandmother of the reigning Prince of Owde, and not less in violation of the sovereign rights of the Nabob himself, did, by frequent messages, stimulate the said Middleton to a perseverance in, and to a rigorous execution of the same: And in his letter from Benares of the 25th of December 1781, did “ express doubts of his firmness and activity, and, above all, of his recollection of his instructions, and their importance; and that, if he could not rely on his own [power] and the means he possessed for performing those services, he would free him [the said Middleton] from the charges, and would proceed himself to Lucknow, and would himself undertake them.”

## XIII.

“ That very doubtful credit is to be given to any letters written by the said Middleton to the said Warren Hastings, when they answer the purposes which the said Warren Hastings had evidently in view, the said Middleton having written to him in the following manner from Lucknow, 30th December 1781:

## XIV.

“ My dear Sir,  
“ I have this day answered your public letter in the form you seem to expect. I hope there is nothing in it that may appear to you too pointed. If you wish the matter to be otherwise understood than I have taken up and stated it, I need not say I shall be ready to conform to whatever you may prescribe, and to take upon myself any share of the blame of the (hitherto) non-performance of the stipulations made on behalf of the Nabob. Though I do assure you, I myself represented to his Excellency and the Ministers, conceiving it to be your desire, that the apparent assumption of the reigns of his government (for in that light he undoubtedly considered it at the first view,) as specified in the agreement executed by him, was not meant to be fully and literally enforced, but

“ that



“ that it was necessary you should have something to shew on your side,, as the Company were deprived  
 “ of a benefit without a requital ; and upon the faith of this assurance alone, I believe I may safely  
 “ affirm his Excellency’s objections to signing the treaty were given up. If I have understood  
 “ the matter wrong, or misconceived your design, I am truly sorry for it ; however, it is not too  
 “ late to correct the error ; and I am ready to undertake, and, God willing, to carry through, what-  
 “ ever you may, on receipt of my public letter, tell me is your final resolve.”

## XV.

That it appears, but on his the said Middleton’s sole authority, in a letter from the said Middleton, dated Lucknow, 2d of December, 1781, that the Nabob of Owde, wishing to evade the measure of resuming the jaghires aforesaid, did send a message to him, purporting, “ that if the measure proposed was intended to procure the payment of the balance due to the  
 “ Company, he could better and more expeditiously effect that object, by taking from his mo-  
 “ ther the treasures of his father, which he did assert to be in her hands, and to which he did  
 “ claim a right ; and that it would be sufficient that he, the said Hastings, would hint his opinion  
 “ upon it, without giving a formal sanction to the measure proposed ; and that whatever his re-  
 “ solution upon the subject should be, it would be expedient to keep it secret ;” adding, “ the  
 “ resumption of the jaghire it is necessary to suspend till I have your answer to this letter.”

## XVI.

That it does not appear that the said Hastings did write any letter in answer to the proposal of the said Middleton, but he, the said Hastings, did communicate his pleasure thereon to Sir Elijah Impey, being then at Lucknow, for his the said Middleton’s information ; and it does appear, that the seizing of the treasures of the mother of the Nabob, said to have been proposed as *an alternative* by the said Nabob, to prevent the resumption of the jaghire, was determined upon and ordered by the said Hastings ; and that the resumption of the said jaghires, for the ransom of which the seizing of the treasures was proposed, was also directed ; not one only, but both sides of the alternative being enforced upon the female parents of the Nabob aforesaid, although both the one and the other had been secured to them by a treaty with the East-India Company.

## XVIII.

That Sir Elijah Impey, Knight, his Majesty’s Chief Justice at Fort William, did undertake a journey of nine hundred miles, from Calcutta to Lucknow, on pretence of health and pleasure, but was in reality in the secret of these and other irregular transactions, and employed as a channel of confidential communication therein. And the said Warren Hastings, by presuming to employ the said Chief Justice, a person particularly unfit for an agent in the transaction of affairs, *prima facie* at least unjust, violent, and oppressive, contrary to public faith, and to the sentiments and law of nature, and which he, the said Hastings, was sensible “ could not  
 “ fail to draw obloquy on himself by his participation,” did disgrace the King’s Commission, and render odious to the natives of Indostan the justice of the Crown of Great-Britain.

## XIX.

That although the said Warren Hastings was from the beginning duly informed of the violence offered to the personal inclinations of the Nabob, and the “ apparent assumption of the  
 “ reins of his government,” for the purposes aforesaid ; yet, more than two years after, he did write to his private agent, Major Palmer, that is to say, in his letter of the 6th of May, 1783, “ that it has been a matter of equal surprise and concern to him, to learn from the letters  
 “ of the Resident, that the Nabob Vizier was with difficulty, and almost unconquerable re-  
 “ luctance, induced to give his consent to the attachment of the treasure deposited by his fa-  
 “ ther, under the charge of the Begum his mother, and to the resumption of her jaghire, and  
 “ the other jaghires of the individuals of his family ;” which pretence of ignorance of the Nabob’s inclinations, is fictitious and groundless. But whatever deception he might pretend to be in concerning the original intention of the Nabob, he was not, nor did he pretend to be, ignorant of his, the Nabob’s reluctance to proceed in the said measures ; but did admit his knowledge of the Nabob’s reluctance to their full execution, and yet did justify the same as follows :

## XX.

“ I desire that you will inform him (the Nabob) that in these and the other measures which  
 “ were either proposed by him, or received his concurrence in the agreement passed between us  
 “ at



“ at Chunar, I neither had nor could have any object *but his relief, and the strengthening of his connection with the Company*; and that I should not on any other ground have exposed myself to the personal obloquy which they could not fail to draw upon me by my participation in them, but left him to regulate, by his own discretion, and by his own means, the œconomy of his own finances, and *with much more cause, the assertion of his domestic right. In these, he had no regular claim to my interference*; nor had I, in my public character, any claim upon him, but for the payment of the debt then due from him to the Company, although I was under the strongest obligations to require it for the relief of the pressing exigences of their affairs.— He will well remember the manner in which, at a visit to him in his own tent, I declared my acquiescence freely and without hesitation to each proposition, which afterwards formed the substance of a written agreement, as he severally made them; and he can want no other evidence of my motives for *so chearful a consent*, nor for the requests which I added as the means of fulfilling his purposes in them. Had he not made these measures his own option, I should not have proposed them; *but having once adopted them, and made them the conditions of a formal and sacred agreement, I had no longer an option to dispense with them, but was bound to the complete performance and execution of them, as points of public duty and of national faith, for which I was responsible to my King, and the Company my immediate superiors; and this was the reason for my insisting on their performance and execution, when I was told that the Nabob himself had relaxed from his original purpose, and expressed a reluctance to proceed in it.*”

## XXI.

That the said Warren Hastings does admit, that the Nabob *had* originally no regular claim upon him for his interference, or he any claim on the Nabob, which might entitle him to interfere in the Nabob's domestic concerns; yet, in order to justify his so invidious an interference, he did, in the letter aforesaid, give a false account of the said treaty, which (as before-mentioned) did nothing more than give a *permission* to the Nabob to resume the jaghires, *if HE should judge the same to be necessary*; and did therefore leave the right of dispensing with the whole, or any part thereof, as much in his option after the treaty, as it was before; the declared intent of the article being only to remove the restraint of the Company's guarantee forbidding such resumption, but furnishing nothing which could authorize putting that resumption into the hands and power of the Company, to be enforced at their discretion. And with regard to the other part of the spoil made by order of the said Hastings, and by him in the letter aforesaid stated to be made equally against the will of the Nabob, namely, that which was committed on the personal and moveable property of the female parents of the Nabob, nothing whatsoever in relation to the same is stipulated in the said pretended treaty.

## XXII.

That the said Hastings, in asserting that he was bound to the acts aforesaid by public duty, and even by national faith, in the very instance in which that national faith was by him grossly violated; and in justifying himself, by alledging that he was bound to the *complete* execution, by a responsibility to the Company which he immediately served; and by asserting, that these violent and rapacious proceedings, subjecting all persons concerned in them to obloquy, would be the means of strengthening the connection of the Nabob with the British United Company of Merchants trading to the East-Indies; did disgrace the authority under which he immediately acted. And that the said Hastings, in justifying his obligations to the said acts by a responsibility to the *King*, namely, to the King of Great-Britain, did endeavour to throw upon his Majesty, his lawful Sovereign (whose name and character he was bound to respect, and to preserve in estimation with all persons, and particularly with the sovereign Princes, the allies of his government) the disgrace and odium of the aforesaid acts, in which a sovereign Prince was by him, the said Hastings, made an instrument of perfidy, wrong, and outrage, to two mothers and wives of sovereign Princes; and in which he did exhibit to all Asia (a country remarkable for the utmost devotion to parental authority) the spectacle of a Christian Governor, representing a Christian Sovereign, compelling a son to become the instrument of such violence and extortion against his own mother.

That the said Warren Hastings, by repeated messages and injunctions, and under menaces of “a dreadful responsibility,” did urge the Resident to a completion of this barbarous act; and well knowing that such an act would probably be resisted, did order him, the said Resident, to use the British troops under his direction for that purpose, and did offer the assistance of further forces, urging the execution in the following peremptory terms: “You *yourself* must be *personally present*; you must not allow any negociation or forbearance; but must prosecute both services, until the Begums (Princesses) are at the entire mercy of the Nabob.”

## XXIII. That



### XXIII.

That in conformity to the said peremptory orders, a party of British and other troops, with the Nabob in the ostensible, and the British Resident in the real command, were drawn towards the city of Fyzabad, in the castle of which city the mother and grandmother of the Nabob had their residence; and after expending two days in negotiation (the particulars of which do not appear) the Resident not receiving the satisfaction he looked for, the town was first stormed, and afterwards the castle; and little or no resistance being made, and no blood being shed on either side, the British troops occupied all the outer inclosure of the palace of one of the Princesses, and blocked up the other.

### XXIV.

That this violent assault and forcible occupation of their houses, and the further extremities they had to apprehend, did not prevail on the female parents of the Nabob to consent to any submission, until the Resident sent in unto them a letter from the said Warren Hastings (no copy of which appears) declaring himself no longer bound by the guaranty, and containing such other matter as tended to remove all their hopes, which seemed to be centered in British faith.

### XXV.

That the chief officers of their household, who were their treasurers and confidential agents, the eunuchs Jewar Ali Khân and Behar Ali Khân, persons of great eminence, rank, and distinction, who had been in high trust and favour with the late Nabob, were ignominiously put into confinement under an inferior officer, in order to extort the discovery of the treasures and effects committed to their care and fidelity. And the said Middleton did soon after, that is to say, on the 12th of January, 1782, deliver them over for the same purpose into the custody of Captain Neal Stuart, commanding the 8th regiment, by his order given in the following words: "To be kept in close and secure confinement, admitting of no intercourse with them, excepting by their four menial servants, who are authorized to attend them until further orders. You will allow them to have any necessary and convenience which may be consistent with a strict guard over them."

### XXVI.

That in consequence of these severities upon herself, and on those whom she most regarded and trusted, the mother of the said Nabob did at length consent to the delivering up of her treasures, and the same were paid to the Resident, to the amount of the bond given by the Nabob to the Company for his balance of the year 1779-80, and the said treasure "was taken from the most secret recesses in the houses of the two eunuchs."

### XXVII.

That the Nabob continuing still under the pressure of a further pretended debt to the Company for his balance of the year 1780-81, the Resident, not satisfied with the seizure of the estates and treasures of his parents aforesaid, although he, the said Resident, did confess that the Princess Mother "had declared, *with apparent truth*, that she had delivered up *the whole of the property in her hands*, excepting goods, which from the experience which he, the Resident, had of the *small produce* of the sales of a former payment made by her in that mode," he did refuse, and that, in his opinion, it certainly would have amounted to little or nothing," did proceed to extort another great sum of money, that is to say, the sum of 120,000<sup>l</sup>. sterling, on account of the last pretended balance aforesaid. In order therefore to compel the said Ministers and Treasurers either to distress their principals, by extorting whatever valuable substance might, by any possibility, remain concealed, or to furnish the said sum from their own estates, or from their credit with their friends, did order their imprisonment to be aggravated with circumstances of great cruelty, giving an order to Lieutenant Francis Rutledge, dated the 20th of January, 1782, in the following words:

### XXVIII.

"S I R,

"When this note is delivered to you by Hoolas Roy, I have to desire, that you order the two prisoners to be put in irons, keeping them from all food, &c. agreeable to my instructions of yesterday.

(Signed) NATH. MIDDLETON."

### XXIX. That



## XXIX.

That by the said unjust and rigorous proceeding, the said eunuchs were compelled to give their engagement for the payment of 120,000*l.* sterling aforesaid, to be completed within the period of one month: but after they had entered into the said compulsory engagement, they were still kept in close imprisonment, and the mother and grandmother of the Nabob were themselves held under a strict guard; although at the same time the confiscated estates were actually in the Company's possession, and found to exceed the amount of what they were rated at in the general list of confiscated estates; and although the Assistant Resident Johnston did confess "that the object of distressing the Bhow Begum was merely to obtain a *ready money*" "instead of a *dilatory payment*, and that this ready money payment, if not paid, was recoverable in the course of a few months upon the jaghires in his possession; and that therefore it was not worth proceeding to any extremities beyond the one described (namely the confinement of the Princesses, and the imprisonment and fettering of their Ministers) upon so respectable a family."

## XXX.

That after the surrender of the treasure, and passing the bonds and obligations given as aforesaid, the Resident having been strictly ordered by the said Warren Hastings not to make any settlement whatsoever with the said women of high rank, the Nabob was induced to leave the city of Fyzabad, without taking leave of his mother, or shewing her any mark of duty or civility. And on the same day the Resident left the city aforesaid; and after his return to Lucknow, in order to pacify the said Hastings, who appeared to resent that the Nabob was not urged to greater degrees of rigour than those hitherto used towards his mother, he the said Resident did, in his letter of the sixth of February, give him an assurance in the following words:—"I shall, as you direct, use my influence to dissuade his Excellency from concluding any settlement until I have your further commands."

## XXXI.

That the payment of the bond last extorted from the eunuchs was soon after commenced, and the grandmother, as well as the mother, were now compelled to deliver what they declared was the extent of the whole of both their possessions, including down to their *table utensils*; which, as the Resident admitted, "they had been and were still delivering, and that no proof had yet been obtained of their having more."

## XXXII.

That bullion, jewels, and goods, to the amount of five hundred thousand pounds and upwards, were actually received by the Resident, for the use of the Company, before the 23d of February, 1782; and there remained, on the said extorted bond, no more than about twenty-five thousand pounds, according to the statement of the eunuchs, and not above fifty thousand, according to that made by the Resident.

## XXXIII.

That in this advanced state of the delivery of the extorted treasure, the Ministers of women aforesaid of the reigning family, did apply to Captain Leonard Jaques, under whose custody they were confined, to be informed of the deficiency with which they stood charged, that they might endeavour, with the assistance of their friends, to provide for the same, and praying that they might, through his mediation, be freed from the hardships they suffered under their confinement; to which application they received an insolent answer from the said Richard Johnson, dated February 27th, 1782, declaring, that part of what he had received in payment was in jewels and bullion; and that more than a month, the time fixed for the final payment, would elapse before he could dispose of the same; insisting upon a ready money payment, and assuring them, "that the day on which their agreement expired, he should be indispensibly obliged to recommence severities upon them, until the last farthing was fully paid." And in order to add to their terrors and hardships, as well as to find some pretext for the further cruel and inhuman acts intended, an apparently groundless and injurious charge was suggested to the imprisoned Ministers as aforesaid, in the following words:—"You may also mention to them, that I have reason to suspect that the commotions raised by Bulbudder, has not been without their suggestion and abetment, which, if proved upon them, in addition to the probable breach of their agreement, will make their situation very desperate."

## XXXIV. That



## XXXIV.

That on the receipt of the said letter, that is, on the 2d of March, the Minister aforesaid did aver, that they were not able to obtain cash in lieu of the jewels and other effects; but that if the goods were sold, and they released from their confinement, and permitted (as they have before requested) to go abroad among their friends, they could soon make good the deficiency; and they did absolutely deny “that they had any hand in the commotions raised by Bulbudder, or any kind of correspondence with him or his adherents.”

## XXXV.

That the prisoners aforesaid did shortly after, that is to say, on the 13th of March, a third time renew their application to Nathaniel Middleton, Esquire, the Resident, and did request that the jewels remaining in his the said Resident's hands, towards the payment of the balance remaining, “might be valued by four or five eminent Merchants, Mussulmen, and Hindûs, upon oath,” and that if any balance should afterwards appear, they would upon their release get their friends to advance the same: and they did again represent the hardship of their imprisonment, and pray for relief; and did again assert, that the imputations thrown upon them by the said Richard Johnson were false and groundless; “that they had no kind of intercourse, either directly or indirectly, with the authors of the commotions alluded to, and that they did stake their lives upon the smallest proof thereof being brought.”

## XXXVI.

That, instead of their receiving any answer to any of the aforesaid reasonable propositions, concerning either the account stated, or the crimes imputed to them, or any relief from the hardships they suffered, he, the Resident Middleton, did, on the 18th of the said month, give to the officer who had supplicated in favour of the said prisoners, an order, in which he declared himself “under the disagreeable necessity of recurring to severities, to enforce the said payment; and that this is therefore to desire that you immediately cause them *to be put in irons*, and keep them so until I shall arrive at Fyzabad to take further measures as may be necessary:” which order being received at Fyzabad the day after it was given, the said eunuchs were a second time thrown into irons. And it appears that (probably in resentment for the humane representations of the said Captain Jaques) the Resident did refuse to pay for the fetters, and other contingent charges of the imprisonment of the said Ministers of the Nabob's mother, when at the same time very liberal contingent allowances were made to other officers; and the said Jaques did strongly remonstrate against the same as follows:—“You have also ordered me to put the prisoners in irons—This I have done: yet, as I have no business to purchase fetters, or supply them any other way, it is but reasonable that you should order me to be reimbursed. And why should I add any thing more? A late commander at this place, I am told, draws near as many thousands monthly contingencies, as my trifling letter hundreds. However, if you cannot get my bill paid, be so obliging as to return it; and give me an opportunity of declaring to the world, that I believe I am the first officer in the Company's service who has suffered in his property by an independent command.”

## XXXVII.

That, in about two months after the said prisoners had continued in irons in the manner aforesaid, the officer on guard, in a letter of the 18th May, did represent to the Resident as follows:—“The prisoners, Behar and Jewar Ally Khân, who seem to be very sickly, have requested their irons might be taken off for a few days, that they might take medicine, and walk about the garden of the place where they are confined. Now, as I am sure *they will be equally secure without their irons as with them*, I think it my duty to inform you of this request: I desire to know your pleasure concerning it.” To which letter the said officer did receive a direct refusal, dated 22d May, 1782, in the following words,—“I am sorry it is not in my power to comply with your proposal of easing the prisoners for a few days of their fetters. Much as my humanity may be touched by their sufferings, I should think it inexpedient to afford them any alleviation, while they persist in a breach of their contract with me; and indeed no indulgence can be shewn them without the authority of the Nabob, who, instead of consenting to moderate the rigours of their situation, would be most willing to multiply them.” Endeavouring to join the Nabob, whom he well knew to be reluctant in the whole proceeding, as a party in the cruelties, by which, through the medium of her servants, it was intended to coerce his mother.



## XXXVIII.

That the said Resident, in a few days after, that is to say on the first of June, 1782, in a letter to Major Gilpin, in command at Fyzabad, did order the account, as by himself stated, to be read to the prisoners; and, without taking any notice of their proposal concerning the valuation of the effects, or their denial of the offences imputed to them, to demand a positive answer relative to the payment; and “upon receiving from them a negative or unsatisfactory reply, to inform them that all further negotiation being at an end, they must prepare for their removal to Lucknow, where they would be called upon to answer, not only their recent breach of faith and solemn engagement, but also to atone for other heavy offences; the punishment of which, as had frequently been signified to them, it was in their power to have mitigated, by a proper acquittal of themselves in this transaction.” By which insinuations, concerning the pretended offences of the said unhappy persons, and the manner by which they were to atone for the same, and by their never having been specifically and directly made, it doth appear, that the said crimes and offences were charged for the purpose of extorting money, and not upon principles or for the ends of justice.”

## XXXIX.

That after some ineffectual negotiations to make the prisoners pay the money, which it does not appear to have been in their power to pay, they were again threatened by the Resident, in a letter to Major Gilpin, dated 9th of June, 1782, in the following terms:—“I wish you to explain once more to the prisoners, the imprudence and folly of their conduct, in forcing me to a measure which must be attended with consequences so very serious to them; and that, when once they are removed to Lucknow, it will not be in my power to shew them mercy, or to stand between them and the vengeance of the Nabob. Advise them to reflect seriously upon the unhappy situation in which they will be involved in one case, and the relief it will be in my power to procure them in the other; and let them make their option.”

## XL.

That he, the said Resident, did also, at the same time, receive a letter from the Princess Mother, which letter does not appear, but to which only the following insolent return was made; that is to say, “The letter from the Bhow Begum is no ways satisfactory, and I cannot think of returning an answer to it. Indeed, all correspondence between the Begum and me has long been stopped; and I request you will be pleased to inform her, that I by no means wish to resume it, or to maintain any friendly intercourse with her, until she has made good my claim upon her for the balance due.”

## XLI.

That in consequence of these threats, and to prevent a separation of the Ministers from their Mistresses, several plans for the payment of the balance were offered, both by the mother of the Nabob, and the prisoners, to which no other objection appears to have been made, than the length of time required by the parties to discharge the comparatively small remainder of the extorted bond; the officer on command declaring, that, conformable to his instructions, he could not receive the same.

## XLII.

That the prisoners were actually removed from the city of their residence to the city of Lucknow, where they arrived on the 24th of June, 1782, and were, on the next day, threatened with severities, “to make them discover where the balance might be procurable.” And on the 28th, it should seem, that the severities, for the purpose aforesaid, were inflicted, at least upon one of them; for the assistant Resident, Johnson, did, on that day, write to Captain Waugh, the officer commanding the guard, the letter following, full of disgrace to the honour, justice, and humanity of the British nation.

## XLIII.

“Sir,  
“The Nabob having determined to *inflict corporal punishment upon the prisoners* under your guard, this is to desire, that his officers, when they shall come, may have free access to the prisoners, and *be permitted to do with them as they shall see proper*, only taking care, that they leave them always under your charge.”

## XLIV. That



## XLIV.

That the said Richard Johnson did, further to terrify the prisoners, and to extort by all ways the remainder of the said unjust, oppressive, and rapacious demand, threaten to remove them out of the Nabob's dominions into the castle of Churnagur, in order for ever to separate them from their principals, and deprive both of their reciprocal protection and service, and did order a further guard to be put on the palace of the grandmother of the Nabob, an ally of the Company, and to prevent the entrance of the provisions to her (which order relative to the guard only was executed) and did use sundry unworthy and insulting menaces, both with regard to herself and to her principal ministers.

## XLV.

That a proposal was soon after made by the said Princess and her daughter-in-law, praying that their ministers aforesaid should be returned to Fyzabad, and offering to raise a sum of money on that condition; as also that they would remove from one of their palaces, whilst the English were to be permitted to search the other. But the assistant Resident, Johnson, did, instead of a compliance with the former of these propositions, send the following orders, dated 23d July, 1782, to the officer commanding the guard on the ministers aforesaid: "Some violent demands having been made for the release of the prisoners, it is necessary that every possible precaution be taken for their security; you will therefore be pleased to be very strict in guarding them; and I herewith send *another pair of fetters to be added to those now upon the prisoners.*" And in answer to the second proposition, the said Resident did reply in the following terms: "The proposal of evacuating one palace, that it may be searched, and then evacuating the next, upon the same principle, is apparently fair: But it is well known in the first place, that such bricked up, or otherwise hidden treasure, is not to be hit upon in a day, without a guide. I have therefore informed the Nabob of this proposal, and if the matter is to be reduced to a search, he will go himself with such people as he may possess, for information, together with the prisoners; and when in possession of the ground, by *punishing the prisoners, or by such other means as he may find most effectual* to forward a successful search upon the spot, he will avail himself of the proposal made by the Bhow Begum."

## XLVI.

That, probably from the Nabob's known and avowed reluctance to lend himself to the perpetration of the oppressive and iniquitous proceedings of the representative of the British government, the scandalous plan aforesaid was not carried into execution: And all the rigours practised upon the chief ministers of the ladies aforesaid at Lucknow, being found ineffectual, and the Princess Mother having declared herself ready to deliver up every thing valuable in her possession, which Baher Ali Khan, one of her confidential ministers aforesaid, only could come at, the said change of prison was agreed to;—but not until the Nabob's mother aforesaid, had engaged to pay, for the said change of prison, a sum of ten thousand pounds (one half of which was paid on the return of the eunuchs) and that "she would ransack the *Zanana* (women's apartments) for kincobs, muslins, cloaths, &c. &c. &c. and that she would even allow a deduction from the annual allowance, made to her for her subsistence in lieu of her Jaghire."

## XLVII.

That soon after the return of the aforesaid ministers to the place of their imprisonment at Fyzabad, bonds for the five thousand pounds aforesaid, and goods, estimated, according to the valuation of a merchant appointed to value the same, at the sum of forty thousand pounds, even allowing them to sell greatly under their value, were delivered to the commanding officer at Fyzabad; and the said commanding officer did promise to the Begum to visit Lucknow with such proposals as he hoped would secure the *small Balance* of fifteen thousand pounds remaining of the unjust exaction aforesaid. But the said Resident Middleton did, in his letter of the 17th of the said month, positively refuse to listen to any terms, before the final discharge of the whole of the demand; and did positively forbid the commanding officer to come to Lucknow to make the proposal aforesaid, in the terms following: "As it is not possible to listen to *any* terms from the Begums, before the final discharge of their conditional agreement for fifty-five lacks, your coming here upon such an agency can only *be loss of time* in completing the recovery of the balance of 6,55,000; for which your regiment was sent to Fyzabad. I must therefore desire you will leave *no efforts, gentle or harsh*, unattempted, to  
"complete



“ complete this, before you move from Fyzabad ; and I am very anxious that it should be as soon as possible, *as I want to employ your regiment upon other emergent service, now suffering by every delay.*”

## XLVIII.

That the goods aforesaid were sent to Lucknow, and disposed of in a manner unknown ; and the harsh and oppressive measures aforesaid being still continued, the Begum did, about the middle of October, 1782, cause to be represented to the said Middleton as follows : “ That her situation was truly pitiable ; her estate sequestered ; her treasury ransacked ; her Cojahs prisoners ; and her servants deserting daily from want of subsistence. That she had solicited the loan of money, to satisfy the demands of the Company, from every person that she imagined would or could assist her with any ; but that the opulent would not listen to her adversity.—She had hoped that the wardrobe sent to Lucknow might have sold for at least one half of the Company’s demands on her ; but even jewellery and goods, she finds from woeful experience, lose their value the moment it is known they come from her. That she had now solicited the loan of cash from Almas Ally Cawn, and that if she failed in that application, she had no hopes of ever borrowing a sum equal to the demand.”—An hope not likely to be realized, as the said Almas Ally was then engaged for a sum of money to be raised for the Company’s use on the security of their confiscated lands ; the restoration of which could form the only apparent security for a loan.

## XLIX.

That this Remonstrance produced no effect on the mind of the aforesaid Resident ; who being about this time removed from his Residency, did, in a letter to his successor, Mr. Bristow, dated 23d October, 1782, in effect recommend a perseverance in the cruel and oppressive restraints as aforesaid, as a certain means of recovering the remainder of the extorted bond ; and that the lands with which the Princesses aforesaid had been endowed, should not be restored to them.

## L.

That the said Warren Hastings was duly apprized of all the material circumstances in the unjust proceedings aforesaid ; but did nothing to stop the course they were in, or to prevent, relieve, or mitigate the sufferings of the parties affected by them ; on the contrary, he did, in his letter of the 25th of January, 1782, to the Resident Middleton, declare, that the Nabob having consented to the “ Resumption of the Jaghires held by the Begums, and to the Confiscation of their treasures, and thereby involved my own name and the credit of the Company in a participation of both measures, I have a right to *require and insist on the complete execution of them* ; and I look to you for their execution, declaring, that I shall hold you accountable for it.” And it appears, that he did write to the Nabob a letter in the same peremptory manner ; but the said letter has been suppressed.

## LI.

That he the said Hastings further did manifest the concern he took in, and the encouragement which he gave to the proceedings aforesaid, by conferring honours and distinctions upon the Ministers of the Nabob, whom he, the Nabob, did consider as having in the said proceedings disobeyed him and betrayed him, and as instruments in the dishonour of his family, and the usurpation of his authority.—That the said Ministers did make addresses to the said Hastings for that purpose (which addresses the said Hastings hath suppressed) ; and the Resident Middleton did, with his letter of the 11th of February, 1782, transmit the same ; and did, in the said letter, acquaint the said Hastings, “ that the Ministers of the Nabob had incurred much odium on account of their participation in his measures, and that they were not only considered by the party of the dispossessed Jaghiredars, and the Mother and Uncle of the Nabob, but *by the Nabob himself, as the Dependents of the English Government, which they certainly are, and it is by its declared and most obvious support alone* that they can maintain the authority and influence which is indispensably necessary.” And the said Middleton did therefore commend, “ that they should be honoured with some testimony of his (the said Hastings’s) approbation and favour.” And he the said Warren Hastings did send kellautes or robes of honour (the most public and distinguished mode of acknowledging merit known in India) to the said Ministers, in testimony of his approbation of their late services.

## LII. That



LII.

That the said Hastings did not only give the aforesaid public encouragement to the Ministers of the Nabob to betray and insult their Master and his family, in the manner aforesaid, but when the said Nabob did write several letters to him the said Hastings, expressive of his dislike of being used as an instrument in the dishonourable acts aforesaid, and refusing to be further concerned therein, he the said Warren Hastings did not only suppress and hide the said letters from the view of the Court of Directors ; but in his instructions to the Resident Bristow, did attribute them to Hyder Beg Khan, Minister to the Nabob (whom in other respects he did before and ever since support against his Master) and did express himself with great scorn and contempt of the said Nabob, and with much asperity against the said Ministers ; affirming, in proud and insolent terms, that he had, “ by an abuse of his influence over the Nabob, he, the Nabob himself, being *(as he ever must be in the hands of some person)* a mere cypher in his *(the said Minister’s)* hands, dared to make him *(the Nabob)* assume a very unbecoming tone of refusal, reproach, and resentment, in opposition to measures recommended by ME, and even to acts done by MY Authority ;” the said Hastings, in the instruction aforesaid, particularizing the resumption of the Jaghires, and the confiscation of the treasures that had been so long suffered to remain in the hands of his *(the Nabob’s)* mother. But the letters of the Nabob, which in the said instructions he refers to, as containing an opposition to the measures recommended by him, and which he asserts was conveyed in a very unbecoming tone of refusal, reproach, and resentment, he the said Hastings hath criminally withheld from the Company, contrary to their orders, and to his duty ; and the more, as the said letters must tend to shew in what manner the said Nabob did feel the indignities offered to his mother, and the manner in which the said Ministers, notwithstanding their known dependence on the English Government, did express their sense of the part which their Sovereign was compelled to act in the said disgraceful measures. And in further instructions to him the said new Resident, he did declare his approbation of the evil acts aforesaid, as well as his resolution of compelling the Nabob to those rigorous proceedings against his parent, from which he had long shewn himself so very averse, in the following words : “ The severities which have been encreased towards the Begums were most justly merited, by the advantage which they took of the troubles in which I was personally involved last year, to create a rebellion in the Nabob’s Government, and to complete the ruin which they thought was impending on ours.” “ If it is the Nabob’s desire to forget and to forgive their past offences, I have no objection to his allowing them, in pension, the nominal amount of their Jaghires ; but if he shall ever offer to restore their Jaghires to them, or to give them any property in land, after the warning which they have given him by the dangerous abuse which they formerly made of his indulgence, you must remonstrate in the strongest terms against it ; you must not permit such an event to take place, until this Government shall have received information of it, and shall have had time to interpose its influence for the prevention of it.” And the said Warren Hastings, who did, in the manner aforesaid, positively refuse to admit the Nabob to restore to his mother and grandmother any part of their landed estates for their maintenance, did well know that the revenues of the said Nabob were at that time so far applied to the demands of the company (by him the said Warren Hastings aggravated beyond the whole of what they did produce) or were otherwise so far applied to the purposes of several of the servants of the Company and others, the dependants of him the said Hastings, that none of the pensions or allowances assigned by the said Nabob, in lieu of the estates confiscated, were paid, or were likely to be discharged with that punctuality which was necessary even to the scanty subsistence of the persons, to which they were in name and appearance applied. For,

LIII.

That so early as the 6th March, 1782, Captain Leonard Jaques, who commanded the forces on duty for the purpose of distressing the several women in the Palaces at Fyzabad, did complain to the Resident, Richard Johnson, in the following words : “ The women belonging to the Khord Mohul (or lesser Palace) complain of their being in want of every necessary of life, and are at last driven to that desperation, that they at night get on the top of the Zenanah, make a great disturbance, and last night not only alarmed the centinels posted in the garden, but threw dirt at them ; they threaten to throw themselves from the walls of the Zenanah, and also to break out of it. Humanity obliges me to acquaint you of this matter, and to request to know if you have any directions to give me concerning it. I also beg leave to acquaint you I sent for Latafut Ally Khan, the Cojah, who has the charge of them, and who informs me it is well grounded, that they have sold every thing they had, even to the cloaths from their backs, and now have no means of subsisting.”



LIV.

That the Distresses of the said women grew so urgent on the night of the said 6th of March, the day when the letter above recited was written, that Captain Leonard Jaques aforesaid did think it necessary to write again, on the day following, to the British Resident, in the following words: “ I beg leave to address you again concerning the women in the Khord Mohul, (the lesser Palace.) Their behaviour last night was so furious, that there seemed the greatest probability of their proceeding to the uttermost extremities, and that they would either *throw themselves from the walls, or force open the doors of the Zenanah*. I have made every enquiry concerning the cause of their complaints, and find from Latafut Ally Khan, that they are in a *starving condition, having sold all their cloaths and necessaries, and now have not wherewithal to support nature*; and as my instructions are quite silent on this head, I should be glad to know how to proceed in case they were to force the doors of the Zenanah, as I suspect it will happen, should no subsistence be very quickly sent to them.”

LV.

That in consequence of these representations, it appears that the said Resident, Richard Johnson, did promise, that an application should be made to certain of the servants of the Nabob Vizier, to provide for their subsistence.

LVI.

That Captain Jaques being relieved from the duty of imprisoning the women of Sujah ul Dowlah, the late Sovereign of Owde, and Ally of the Company, who dwelt in the said lesser Palace, and Major Gilpin being appointed to succeed, the same malicious design of destroying the said women, or the same scandalous neglect of their preservation and subsistence, did still continue; and Major Gilpin found it necessary to apply to the new resident Bristow, in a letter of the 30th of October, 1782, as follows:

LVII.

“ Sir, last night about 8 o’clock the women in the Khord Mohul [lesser Palace] or Zenanah, [women’s apartments] under the charge of Latafut Ally Khan, assembled on the tops of the buildings, *crying in a most lamentable manner for food, that for the last four days they had got but a very scanty allowance, and that yesterday they had got none*.

LVIII.

“ *The melancholy cries of famine are more easily imagined than described*; and from their representation, I fear the Nabob’s Agents for that business are very inattentive; I therefore think it requisite to make you acquainted with the circumstance, that his Excellency the Nabob may cause his Agents to be more circumspect in their conduct towards these poor unhappy women.”

LIX.

That, although the Resident Bristow did not then think himself authorized to remove the guard, he did apply to the Minister of the Nabob, who did promise some relief to the women of the late Nabob, confined in the Lesser Palace; but apprehending, with reason, that the Minister aforesaid might not be more ready or active in making the necessary provision for them than on former occasions, he did render himself personally responsible to Major Gilpin for the re-payment of any sum equal to one thousand pounds sterling, which he might procure for the subsistence of the sufferers. But whatever relief was given (the amount thereof not appearing) the same was soon exhausted; and the number of persons to be maintained in the said Lesser Palace being eight hundred women, the women of the late Sovereign, Sujah ul Dowla, and several of the younger children of the said Sovereign Prince, besides their attendants, Major Gilpin was obliged, on the 15th of November following, again to address the Resident by a representation, of this tenor: “ Sir, the repeated cries of the women in the Khord Mohul Zenanah for subsistence has been truly melancholy.



## LX.

*“ They beg most piteously for liberty, that they may earn their daily bread by laborious servitude, or to be relieved from their misery by immediate death.*

## LXI.

*“ In consequence of their unhappy situation, I have this day taken the liberty of drawing on you in favour of Ramnarian, at ten days sight, for twenty Son Kerah rupees, ten thousand of which I have paid to Cojah Latafut Ally Khan, under whose charge that Zannah is.”*

## LXII.

That, notwithstanding all the promises and re-iterated engagements of the Minister Hyder Beg Khan, the Ladies of the Palace aforesaid fell again into extreme distress; and the Resident did again complain to the said Minister, who was considered to be, and really and substantially was, the Minister of the Governor General Warren Hastings aforesaid, and not of the Nabob (the said Nabob being, according to the said Hastings's own account, “ a cypher in his [the said Minister's] hands”) that the funds allowed for their subsistence, were not applied to their support. But notwithstanding all these repeated complaints and remonstrances, and the constant promise of amendment on the part of his, the said Hastings's Minister, the supply was not more plentiful or more regular than before.

## LXIII.

That the said Resident Bristow, finding by experience the inefficacy of the courses which had been pursued with regard to the mother and grandmother of the reigning Prince of Owde; and, having received a report from Major Gilpin, informing him, that all which could be done by force, had been done; and that the only hope which remained, for realizing the remainder of the money unjustly exacted as aforesaid, lay in more lenient methods; he, the said Resident, did, of his own authority, order the removal of the guard from the Palaces, the troops being long and much wanted for the defence of the Frontier, and other material services; and did release the said Ministers of the said women of rank, who had been confined and put in irons, and variously distressed and persecuted, as aforesaid, for near twelve months.

## LXIV.

That the manner in which the said inhuman acts of rapacity and violence were felt, both by the women of high rank concerned, and by all the people, strongly appears in the joy expressed on their release, which took place on the 5th of December, 1782; and is stated, in two letters of that date from Major Gilpin to the Resident, in the words following:

## LXV.

*“ I have to acknowledge the receipt of your letter of the 2d instant, and in consequence immediately enlarged the prisoners Behar Ally Khan and Jewar Ally Khan, from their confinement; a circumstance that gave the Begums, and the City of Fyzabad in general, the greatest satisfaction.*

## LXVI.

*“ In tears of joy, Behar and Jewar Ally Khan expressed their sincere acknowledgments to the Governor General, his Excellency the Nabob Vizier, and to you, Sir, for restoring them to that invaluable blessing, liberty, for which they would ever retain the most grateful remembrance; and at their request I transmit you the enclosed letters.*

## LXVII.

*“ I wish you had been present at the enlargement of the prisoners. The quivering lips, with the tears of joy stealing down the poor mens' cheeks, was a scene truly affecting.*



## LXVIII.

“ If the prayers of these poor men will avail, you will, at the LAST TRUMP ! be translated  
 “ to the happiest regions in Heaven.”

## LXIX.

And the Resident Bristow, knowing how acceptable the said proceeding would be to all the people of Owde, and the neighbouring independent countries, did generously and politically (though not truly) in his letter to the Princess Mother, attribute the said relief given to herself, and the release of her Ministers, to the humanity of the said Warren Hastings, agreeably to whose orders he pretended to act ; asserting, that he, the said Hastings, “ was the spring from whence she was restored to her dignity and consequence.” And the account of the proceedings aforesaid were regularly transmitted to the said Warren Hastings on the 30th of December, 1782, with the reasons and motives thereto, and a copy of the Report of the Officer concerning the inutility of further force, attended with sundry documents concerning the furnishing and other treatment of the women and children of the late Sovereign ; but the same appears to have made no proper impression on the mind of the said Warren Hastings ; for no answer whatsoever was given to the said letter until the 3d of March, 1783, when the said Hastings, writing in his own character and that of the Council, did entirely pass by all the circumstances before recited, but did give directions for the renewal of measures of the like nature and tendency with those which (for several of the last months at least of the said proceeding) had been employed with so little advantage to the interest, and with so much injury to the reputation of the Company, his Masters, in whose name he acted ; expressing himself in the said letter of the 3d of March, 1783, as follows : “ We desire you will inform us what means have been taken for recovering the  
 “ balance [the pretended balance of the extorted money] due from the Begums [Princesses] at  
 “ Fyzabad ; and, if necessary, you must recommend it to the Vizier *to enforce the most effectual*  
 “ *means* for that purpose.” And the Resident did, in his answer to the Board dated 31st March, 1783, on this peremptory order, again detail the particulars aforesaid to the said Warren Hastings, referring him to his former correspondence, stating the utter impossibility of proceeding further by force, and mentioning certain other disgraceful and oppressive circumstances ; and in particular, That the Company did not, in plundering the mother of the reigning Prince of her wearing apparel and beasts of carriage, receive a value in the least equal to the loss she suffered ; the elephants having no buyer but the Nabob, and the cloaths, which had last been delivered to Middleton at a valuation of thirty thousand pounds, were so damaged by ill keeping, in warehouses, that they could not be sold, even for six months credit, at much more than about eight thousand pounds, by which a loss in a single article was incurred of twenty-two thousand pounds out of the fifty, for the recovery of which (supposing it had been a just debt) such rigorous means had been employed, after having actually received upwards of five hundred thousand pounds, in value to the Company ; and extorted much more, in loss to the suffering individuals. And the said Bristow being well acquainted with the unmerciful temper of the said Hastings, in order to leave no means untried to appease him, not contented with the letter to the Governor-General and Council, did on the same day write another letter *to him particularly*, in which he did urge several arguments, the necessity of using of which to the said Hastings did reflect great dishonour on this nation, and on the Christian Religion therein professed ; viz.  
 “ That he had experienced great embarrassment in treating with her (the mother of the reigning  
 “ Prince) for, as the mother of the Vizier, the people look up to her with respect ; and any  
 “ hard measures practised against women of her high rank, create discontent, and affect our  
 “ national character.” And the said Resident, after condemning very unjustly her conduct, added, “ Still she is the mother of the Prince of the country, and the religious prejudices of  
 “ *Mussulmen* prevail too strongly in their minds to forget her situation.”

## LXX.

That the said Warren Hastings did not make any answer to the said letter. But the mother of the Prince aforesaid, as well as the mother of his father, being, in consequence of his the said Hastings's directions, incessantly and rudely pressed by their descendant, in the name of the Company, to pay to the last farthing of the demand, they did both positively refuse to pay any part of the pretended balances aforesaid, until their landed estates were restored to them ; on the security of which alone, they alledged themselves to be in a condition to borrow any money, or even to provide for the subsistence of themselves and their numerous dependants. — And, in order to put some end to these differences, the Vizier did himself, about the beginning of August, 1783, go to Fyzabad, and did hold divers conferences with his parents, and did consent and engage to restore to them their landed estates aforesaid ; and did issue an order  
 that



that they should be restored accordingly : But his Minister aforesaid, having before his eyes the peremptory orders of him, the said Warren Hastings, did persuade his Master to dishonour himself, in breaking his faith and engagement with his mother, and the mother of his father, by first evading the execution, and afterwards totally revoking his said public and solemn act, on pretence that he had agreed to the grant “ from shame, being in their presence [the presence of “ his mother and grandmother] and that it was unavoidable at the time ;”—the said Minister declaring to him, that it would be sufficient if he allowed them “ money for their *necessary* expences, and that would be *doing enough*.”

## LXXI.

That the faith given for the restoration of their landed estates being thus violated, and the money for necessary expences being as ill supplied as before, the women and children of the late Sovereign, father of the reigning Prince, continued exposed to frequent want of the common necessaries of life ; and, being sorely pressed by famine, they were compelled to break through all the principles of local decorum and reserve, which constitute the dignity of the female sex in that part of the world, and after great clamour and violent attempts, for one whole day, to break the inclosure of the palace, and to force their way into the public market, in order to move the compassion of the people, and to beg their bread ; and they did, on the next day, actually proceed to the extremity of exposing themselves to public view—an extremity, implying the lowest state of disgrace and degradation ; to avoid which, many women in India have laid violent hands upon themselves—and they did proceed to the public market-place, with the starving children of the late Sovereign, and the brothers and sisters of the reigning Prince !—A minute account of the transaction aforesaid was written to the British Resident at Lucknow, by the person appointed to convey intelligence to him from Fyzabad, in the following particulars, highly disgraceful to the honour, justice, and humanity of this nation :

## LXXII.

“ The ladies, their attendants, and servants, were still as clamorous as last night. Latafut, the Daroga, went to them, and remonstrated with them on the impropriety of their conduct, at the same time assuring them, that in a few days all their allowances would be paid ; and, should not that be the case, he would advance them ten days subsistence, upon condition that they returned to their habitation. None of them, however, consented to his proposals ; but were still intent upon making their escape through the bazar (market-place) and in consequence formed themselves into a line, and arranging themselves in the following order the children in the front ; behind them the ladies of the seraglio ; and behind them again their attendants : but their intentions were frustrated by the opposition which they met from Latafut’s sepoys.”

## LXXIII.

“ The next day Latafut went twice to the women, and used his endeavours to make them return into the Zenanah, promising to advance them ten thousand rupees ; which, upon the money being paid down, they agreed to comply with ; but night coming on, nothing transpired.

## LXXIV.

“ On the day following, their clamours were more violent than usual. Latafut went to confer with them upon the business of yesterday, offering the same terms. Depending upon the fidelity of his promises, they consented to return to their apartments ; which they accordingly did, except two or three of the ladies, and most of their attendants. Latafut then went to Hossimund Ally Cawn, to consult with him upon what means they should take. They came to a resolution of driving them in by force ; and gave orders to their sepoys to beat any one of the women who should attempt to move forward. The sepoys consequently assembled ; and, each one being provided with a bludgeon, they drove them by dint of beating into the Zenanah. The women, seeing the treachery of Latafut, proceeded to throw stones and bricks at the sepoys, and again attempted to get out ; but finding that impossible, from the gates being shut, they kept up a continual discharge of stones and bricks till about ten ; when finding their situation desperate, they retired into the Kung Mohul, and forced their way from thence into the palace, and dispersed themselves about the house and garden ; after this they were desirous of getting into the Begum’s apartment, but she being apprised of their intention, ordered her doors to be shut. In the mean time, Latafut and Hossimund Ally Cawn posted sentries to secure the gates of the lesser Mohul.



“ Mohul. During the whole of this conflict, all the ladies and women remained exposed to the view of the sepoys. The Begum then sent for Latafut and Hossimund Ally Cawn, whom she severely reprimanded, and insisted upon knowing the causes of this infamous behaviour. They pleaded in their defence the impossibility of helping it, as the treatment the women had met with had been conformable to his Excellency the Vizier's orders. The Begum alledged, that even admitting that the Nabob had given those orders, they were by no means authorised in this manner to disgrace the family of Sujah Dowlah; and should they not receive their allowance for a day or two, it could be of no great moment: what was passed was now at an end, but that the Vizier should certainly be acquainted with the whole of the Affair, and that whatever he desired she should implicitly comply with. The Begum then sent for five of the children who were wounded in the affray of last night, and after endeavouring to sooth them, she sent again for Latafut and Hossimund Ally Cawn, and in the presence of the children expressed her disapprobation of their conduct, and the improbability of Asuph ul Dowlah's suffering the ladies and children of Shujah Dowlah to be disgraced by being exposed to the view of the rabble. Upon which Latafut produced the letter from the Nabob, at the same time representing that he was amenable only to the orders of his Excellency, and that whatever he ordered it was his duty to obey; and that had the ladies thought proper to have retired into their apartments quietly, he would not have used the means he had taken to compel them. The Begum again observed, that what had happened was now over. She then gave the children 400 rupees, and dismissed them, and sent word by Jumrud and the other eunuchs, that if the ladies would peaceably retire to their apartments, Latafut would supply them with 3 or 4,000 rupees for their personal expences, and recommended to them not to incur any further disgrace, and that if they did not think proper to act agreeable to her directions, they would do wrong. The ladies followed her advice, and about ten at night went back into the Zenanah. The next morning the Begum waited upon the mother of Shujah Dowlah, and related to her all the circumstances of the disturbances. The mother of Shujah Dowlah returned for answer, that after there of being no accounts kept of crores of revenues, she was not surprised that the family of Shujah Dowlah, in their endeavours to procure a subsistence, should be obliged to expose themselves to the meanest of the people. After bewailing their misfortunes, and shedding many tears, the Begum took her leave, and returned home.”

That the said affecting narrative, being sent, with others of the same nature, on the 29th of January 1784, to the said Warren Hastings, he did not order any relief in consequence thereof, or take any sort of notice whatsoever of the said intelligence.

#### LXXV.

That the Court of Directors did express strong doubts of the propriety of seizing the estates aforesaid, and did declare to him the said Hastings, that the only consolation they felt on the occasion is, that the amount of these jaghires *for which the Company were guarantees*, is to be paid *through our Resident at the Court of the Vizier*; and it very materially concerns the credit of your governor, on no account to *suffer such payments to be evaded.*” But the said Warren Hastings did never make the arrangement supposed in the said letter to be actually made, nor did he cause the Resident to pay them the amount of their jaghires, or to make any payment to them.

And the said Hastings being expressly ordered by the Court of Directors to restore to them their estates, in case the charges made upon them should not be found true; he, the said Hastings, did contumaciously and cruelly decline any compliance with the said orders, until his journey to Lucknow, in when he did, as he says, “conformably to the orders of the Court of Directors, and more to the inclination of the Nabob Vizier, restore to them their jaghires, but with the defalcation, according to his own account, of a *large portion* of their respective shares;” pretending, without the least probability, that the said defalcation was a “voluntary concession on their part.” But what he has left to them for their support, or in what proportion to that which he has taken away, he has no where stated to the Court of Directors, whose faith he has broken, and whose orders he has thus eluded, whilst he pretended to yield *some* obedience to them.

#### LXXVI.

That the said Warren Hastings having made a malicious, loose, and ill supported charge, backed by certain unsatisfactory affidavits, as a ground for his seizing on the jaghires and the treasures of the Vizier's mother, solemnly guaranteed to them; the Court of Directors did, in their letter of the 14th of February 1783, express themselves as follows concerning that measure;—

“ which



“ which the Governor General (he the said Warren Hastings) in his letter to your board the 23<sup>d</sup> of January 1782, has declared *he strenuously encouraged and supported*: we hope and trust, for the honour of the British nation, that the measure appeared fully justified in the eyes of all Indostan. The Governor General has informed us, that it can be well attested that the Begums (the mother and grandmother of the Nabob aforesaid) *principally* excited and supported the late commotions; and that they carried their inveteracy to the English nation so far, *as to aim at our utter extirpation.*”—And the Court of Directors did further declare as follows:—“ That it no where appears from the papers at present in our possession, that they (the mother and grandmother of the Nabob of Owde) excited any commotions previous to the imprisonment of Rajah Cheyt Sing, and only armed themselves in consequence of that transaction; and as it is probable, that such a conduct proceeded from motives of self defence, under an apprehension that they themselves might likewise be laid under unwarrantable contributions.”—And the said Court of Directors, in giving their orders for the restoration of the jaghires, or for the payment of an equivalent through the Resident, did give this order for the restoration of their estates as aforesaid, on condition that it should appear from enquiry, that they were not guilty of the practices charged upon them by the said Hastings. Mr. Stables, one of the Council General, did, in execution of the said conditional order, propose an enquiry, leading to the ascertainment of the condition, and did enter a minute as follows: “ That the Court of Directors, by their letters of the 14<sup>th</sup> of February 1783, seem not to be satisfied that the disaffection of the Begums to this government is sufficiently proved by the evidence before them; I therefore think, that the late and present Resident, and commanding officer in the Vizier’s country at the time, should be called on to collect what further information they can on this subject in which the honour and dignity of this government is so *materially concerned*; and that such information may be transmitted to the Court of Directors.” And he did further propose heads and modes of enquiry, suitable to the doubts expressed by the Court of Directors. But the said Warren Hastings, who ought long before, on principles of natural justice, to have instituted a diligent enquiry in support of his so improbable a charge, and was bound, even for his own honour, as well as for the satisfaction of the Court of Directors, to take a strong part in the said enquiry, did set himself in opposition to the same, and did carry with him a majority of Council against the said enquiry into the justice of the cause, or any proposition for the relief of the sufferers, asserting, “ that the reasons of the Court of Directors, if transmitted with the orders for the enquiry, will prove in effect an order for collecting evidence *to the justification and acquittal of the Begums, and not for the investigation of the truth of the charges which have been preferred against them.*” That Mr. Stables did not propose, (as in the said Hastings’s minute is groundlessly supposed) that the reasons of the Court of Directors should be transmitted with the orders for an enquiry. But the apprehension of the said Warren Hastings, of the probable result of the enquiry proposed, did strongly indicate the sense of his own guilt, and the innocence of the parties accused by him; and if, by his construction, Mr. Stables’s minute did indicate an enquiry merely for the justification of the parties by him accused, (which construction the motion did not bear) it was no more than what the obvious rules of justice would well support; his own proceedings having been *ex parte*; he having employed Sir Elijah Impey to take affidavits against the women of high rank aforesaid, not only without an enquiry made on their part, but without any communication to them, of his practice and proceeding against them; and equity did at least require that they, with his own knowledge, and by the subordinates of his own government, should be allowed a public enquiry to acquit themselves of the heavy offences with which they had been by him clandestinely charged.

## LXXVII.

That he the said Hastings, in order to effectually stifle the said enquiry, did enter on record a further minute, asserting, that the said enquiry would be productive “ of evils greater than any which exist in the consequences which have already taken place, *and which time has almost obliterated*,” as also the following—“ If I am rightly informed, the Nabob Vizier and the Begums are on terms of mutual good-will. It would ill become this government to interpose its influence, by any act which might tend to revive their animosities, and a very slight occasion would be sufficient to effect it. They will instantly take fire on such a declaration, proclaim the judgment of the Company in their favour, demand a reparation of the acts, which they will construe wrongs, with such a sentence warranting that construction, and either accept the invitation, to the proclaimed scandal of the Nabob Vizier, which *will not add to the credit of our government*; or remain in his dominions, but not under his authority, to add to his vexations, and the disorders of the country, by continual intrigues and seditions. Enough already exists to affect his peace and the quiet of his people. If we cannot heal, let us not inflame the wounds *which have been inflicted.*—“ If the Begums think themselves aggrieved to such a degree as to justify them in an *appeal to a foreign jurisdiction*; to appeal to it against a man standing in the relation of son and grandson to them; to appeal to the

justice



“ *justice of those who have been the abettors and instruments of their imputed wrongs*; let us at least permit them to be the judges of their own feelings, and prefer their complaints, before we offer to redress them. They will not need to be prompted. I hope I shall not depart from the simplicity of official language, in saying, the Majesty of Justice ought to be approached with solicitation, not descend to provoke or invite it, much less to debase itself by the suggestion of wrongs, and the promise of redress, with the denunciation of punishments before trial, and even before accusation.”

## LXXVIII.

That the said Warren Hastings, in attempting to pass an act of indemnity for his own crimes, and of oblivion for the sufferings of others, supposing the latter *almost obliterated* by time, did not only mock and insult over the sufferings of the allies of the Company, but did shew an indecent contempt of the understandings of the Court of Directors; because his violent attempts on the property and liberty of the mother and grandmother of the ally aforesaid, had not their first commencement much above two years before that time, and had been continued, without abatement or relaxation on his part, to the very time of his minute: the Nabob having, by the instigation of his the said Hastings's instrument, Hyder Beg Khan, not two months before the date of the consultation, been obliged a second time to break his faith with relation to the estates of his mother, in the manner herein before recited. And the said Hastings did not, and could not conceive that the clearing the mother could revive any animosity between her and her son, by whom she never had been accused. The said Hastings was also sensible, that the restoration of her landed estates, recommended by the Court of Directors, could not produce any ill effects on the mind of the said son, as it was “ with almost unconquerable reluctance “ he had been persuaded to deprive her of them.” And at the time of his submitting to become an instrument in this injustice, did “ declare” both to the Resident and his Ministers, “ that it was an act of compulsion.”

## LXXIX.

That the said Hastings further, by insinuating that the women in question would act amiss in appealing to a *foreign jurisdiction* against a son and grandson, could not forget that he himself, being that foreign jurisdiction (if any jurisdiction there was) did himself direct and order the injuries; did himself urge the calumnies; and did himself cause to be taken and produced the unsatisfactory evidence, by which the women in question had suffered; and that it was against him the said Hastings, and not against their son, that they had reason to appeal. But the truth is, that the enquiry was moved for by Mr. Stables, not on the prayer or appeal of the sufferers, but upon the ill impression which the said Hastings's own conduct, merely and solely on his own state of it, and on his own evidence in support of it, had made on the Court of Directors, who were his lawful masters, and not suitors in his court. And his arrogating to himself and his colleagues to be a tribunal, and a tribunal, not for the purpose of doing justice, but of refusing enquiry, was an high offence and misdemeanor (particularly as the due obedience to the Company's orders was eluded on the insolent pretence, “ That the Majesty of Justice ought to “ be approached with solicitation, and that it would debase itself by the suggestion of wrongs, “ and the promise of redress,”) in a Governor, whose business it is, even of himself and unsolicited, not only to promise, but to afford redress to all those who should suffer under the power of the Company, even if their ignorance, or want of protection, or the imbecility of their sex, or the fear of irritating persons in rank and station, should prevent them from seeking it by formal solicitation.

## LXXX.

That the said Warren Hastings, at the time when he pretended ignorance of all solicitation for justice on the part of the women aforesaid, and on that pretence did refuse the enquiry moved by his colleague, Mr. Stables, had in all probability received from the Resident Middleton, or if he had made the slightest enquiry from the said Middleton, then at Calcutta, might immediately receive an account, that *they did actually solicit* the said Resident, through Major Gilpin, for redress against his the said Hastings's calumnious accusation, and the false testimony by which it was supported; and did send the said complaint to the Resident Middleton, by the said Gilpin, to be transmitted to him the said Hastings and the Council, so early as the 19th of October, 1782; and that she, the mother of the Nabob, did afterwards send the same to the Resident Bristow, asserting their innocence, and accompanying the same with the copies of letters (the originals of which they asserted were in their hands) from the chief witnesses against them, Hannay and Gordon, which letters did directly overturn the charges or insinuations in the affidavits made by them; and that instead of any accusation of an attempt upon them and their parties, by the instigation of the mother of the Nabob, or by her Ministers, they the said  
Hannay



Hannay and Gordon did attribute their preservation to them, and to their services; and did, with strong expressions of gratitude both to the mother of the Nabob and to her Ministers, fully acknowledge the same. Which remonstrance of the mother of the Nabob, and the letters of the said Hannay and Gordon, are annexed to this charge; and the said Hastings is highly criminal, for not having examined into the facts alledged in the said remonstrance.

## LXXXI.

That the violent proceedings of the said Warren Hastings did tend to impress all the neighbouring Princes, some of whom were allied in blood to the oppressed women of rank aforesaid, with an ill opinion of the faith, honour, and decency of the British nation; and accordingly, on the journey aforesaid, made by the Nabob from Lucknow to Fyzabad, in which the said Nabob did restore, in the manner before-mentioned, the confiscated estates of his mother and grandmother, and did afterwards revoke his said grant, it appears that the said journey did cause a general alarm (the worst motives obtaining the most easy credit with regard to any future proceeding, on account of the foregone acts) and excited great indignation among the ruling persons of the adjacent country; insomuch that Major Brown, Agent to the said Warren Hastings at the Court of the King Shaw Allum at Delhi, did write a remonstrance therein to Mr. Bristow, Resident at Owde, as follows:—"The evening of the 7th, at a conference I had with Mirza Shuffee Cawn, he introduced a subject respecting the Nabob Vizier, which, however disagreeable it may be for you to know, and consequently for me to communicate, I am under a necessity of laying before you. He told me he had received information from Lucknow, that, by the advice of Hyder Beg Cawn, the Vizier had determined to bring his grandmother, the widow of Sufdar Jung, from Fyzabad to Lucknow, with a view of getting a further sum of money from her, by seizing on her eunuchs, digging up the apartments of her house at Fyzabad, and putting her own person under restraint. This, he said he knew, was not an act of our government, but the mere advice of Hyder Beg Cawn, to which the Vizier had been induced to attend. He added, that the old Begum had resolved rather to put herself to death, than submit to the disgrace intended to be put upon her; that if such a circumstance should happen, there is *not a man in Indostan who will attribute the act to the Vizier [Nabob of Owde] but every one will fix the odium on the English, who might easily, by the influence they so largely exercise in their own concerns there, have prevented such unnatural conduct in the Vizier.* He therefore called upon me, as the English Representative in this quarter, to inform you of this, that you may prevent a step which will destroy all confidence in the English nation throughout Indostan, and excite the bitterest resentment in all those who by blood are connected with the house of Sufdar Jung." He concluded by saying, that if the Vizier so little regarded his family and personal honour, or his natural duty, as to wish to disgrace his father's mother for a sum of money, let him plunder her of all she has, but let him send her safe up to Delhi, or Agra, and, poor as I am, I will furnish subsistence for her, which she shall possess with safety and honour, though it cannot be adequate to her rank.—This, Sir, is a most exact detail of the conversation (as far as related to that affair) on the part of Mirza Shuffee Cawn. On my part I could only say, that I imagined the affair was misrepresented, and that I should write as he requested. Let me therefore request that you will enable me to answer, in a more effectual manner, any further questions on this subject.

## LXXXII.

"As Mirza Shuffee's grandfather was brother to Sufdar Jung, there can be no doubt of what his declaration means, and if this measure of dismissing the old Begum should be persisted in, I should not, from the state of affairs and the character of the Amir ul Omrah, be surprized at some immediate and violent resolution being adopted by him."

## LXXXIII.

That Mirza Shuffee, mentioned in this correspondence (who has since been murdered) was of near kindred to the lady in question (grandmother to the Nabob) who was resident in a province immediately adjoining to the province of Owde, and from proximity of situation and nearness of connection, was likely to have any intelligence concerning his female relations from the best authority.

## LXXXIV.

That the Resident Bristow, on receiving this letter, did apply to the said Hyder Beg Cawn for an explanation of the Nabob's intentions, who denied that the Nabob intended more than  
D d a visit



a visit of duty and ceremony; which, whatever his dispositions might have been, and probably were, towards his own mother, was not altogether probable, as it was well known that he was on very bad terms with the mother of his father; and it appears, that intentions of a similar nature had been before manifested, even with regard to his own mother, and therefore obtained the more easy credit concerning the other woman of high rank aforesaid, especially as the evil designs of the said Hyder Beg were abundantly known; and that the said Hastings, upon whom he did wholly depend, continued to recommend “the most effectual, that is, the “most violent means for the recovery of the small remains of his extorted demand.” But although it does not appear that the Resident did give credit to the said report, yet the effect of the same on the minds of the neighbouring Princes, did make it proper and necessary to direct a strict enquiry into the same, which was not done; and it does not appear that any further enquiry was made into the true motives for this projected journey to Fyzabad, nor into the proceedings of Hyder Beg Cawn, although the said Warren Hastings well knew, that all the acts of the Nabob and his principal ministers, were constantly attributed to him, and that it was known that secret agents, as well as the Company’s regular agent, were employed by him at Lucknow and other places.

## LXXXV.

That the said Hastings, who did, on pretence of the majesty of justice, refuse to inquire into the charges made upon the female parents of the Nabob of Owde, in justification of the violence offered to them, did voluntarily and of his own accord make himself an accuser of the Resident Middleton, for the want of a literal execution of his orders, in the plans of extortion and rapine aforesaid, the criminal nature, spirit, and tendency of the said proceedings, for the defective execution of which he brought the said charge, appearing in the defence or apology made by Mr. Middleton, the Resident, for his temporary and short forbearances.

## LXXXVI.

“It could not, I flatter myself, be termed a long or unwarrantable delay (two days) when the importance of the business, and the peculiar embarrassments attending the prosecution of it to its desired end, are considered. The Nabob was *son* to the Begum, whom we were to proceed against; a son against a mother must at least *save appearances in his mode of proceeding*.—The produce of his negotiation was to be received by the Company. Receiving a benefit, accompanying the Nabob, withdrawing their protection, were circumstances sufficient to *mark the English as the principal movers in this business*. At a court where no opportunity is lost to throw odium on us, so favourable an occasion was not missed to persuade the Nabob that we instigated him to dishonour his family for our benefit. The impressions made by these suggestions constantly retarded the progress, and more than once actually broke off the business: which rendered the utmost caution on my part necessary, especially as I had no assistance to expect from the ministers, who could not openly move in the business. In the East, it is well known, that no man, either by himself or his troops, can enter the walls of a Zenana, scarcely in the case of acting against an open enemy, much less of *an ally—an ally acting against his own mother*. The outer walls, and the Begum’s agents, were all that were liable to immediate attack; they were dealt with, and successfully, as the event proved.”—He had before observed to Mr. Hastings, in his correspondence, what Mr. Hastings well knew to be true, “that no farther rigour than that he had exerted, could be used against females in that country; where force could be employed, it was not spared.—That the place of concealment was only known to the chief eunuchs, who could not be drawn out of the women’s apartments, where they had taken refuge, and from which, if an attempt had been made to storm them, they might escape; and the secret of the money being known only to them, it was necessary to get their persons into his hands, which could be obtained by negotiation only.”—The Resident concluded his defence by declaring his “hope, that if the main object of his orders was fulfilled, he should be no longer held criminal for a deviation from the precise letter of them.”

## LXXXVII.

That the said Warren Hastings did enter a reply to this answer, in support of his criminal charge, continuing to insist, “That his orders ought to have been literally obeyed,” although he did not deny that the above difficulties occurred, and the above consequences must have been the result; and though the reports of the military officers, charged with the execution of his commission, confirmed the moral impossibility, as well as inutility in point of profit, of forcing a son to greater violence and rigour against his mother.



## LXXXVIII.

That the said Hastings, after all the acts aforesaid, did presume to declare on record, in his minute of the 23d September, 1783, "That whatever may happen of the events which he dreads in the train of affairs now subsisting, he shall at least receive this consolation under them, that he used his utmost exertions to prevent them; and that, in the annals of the nations of India which have been subjected to the British dominions, HE *shall not be remembered among their oppressors.*" And, speaking of certain alledged indignities offered to the Nabob of Owde, and certain alledged suspicions of his authority, with regard to the management of his household, he the said Hastings did, in the same minute, endeavour to excite the spirit of the British nation, severely animadverting on such offences, making use of the following terms: "If there be a spark of generous virtue in the breasts of any of my countrymen, who shall be the readers of this compilation, this letter [a letter of complaint from the Nabob] shall stand for an instrument to awaken it to the call of vengeance against so flagitious an abuse of authority, and reproach to the British name."

---

*From her Excellency the Bhow Begum to Mr. Bristow, Resident at the Vizier's Court.*

THERE is no necessity to write to you by way of information. A detail of my sufferings from common report, and the intelligence of those who are about you, the account of them will have reached your ears: I will here relate a part of them.

After the death of Sujah Dowlah, most of his ungrateful servants were constantly labouring to gratify their enmity; but finding, from the firm and sincere friendship which subsisted between me and the English, that the accomplishment of their purposes was frustrated, they formed the design of occasioning a breach in that alliance, to insure their own success. I must acquaint you, that my son Asuf ul Dowlah had formerly threatened to seize my Jaghire; but upon producing the treaty signed by you, and shewing it to Mr. Middleton, he interfered, and prevented the impending evil.—The conspiracy now framed an accusation against me, of a conduct which I never had conceived even in Idea, of rendering assistance to Rajah Cheyt Sing. The particulars are as follow:—My son Asuf ul Dowlah and his Ministers, with troops and a train of artillery, accompanied by Mr. Middleton, on the 16th of the month of Mohurum, arrived at Fyzabad, and made a demand of a crore of rupees. As my inability to pay so vast a sum was manifest, I produced the treaty *you* signed and gave me; but to no effect; their hearts were determined upon violence. I offered my son Asuf ul Dowlah, whose will is dearer to me than all my riches, or even life itself, whatever money and goods I was possessed of; but an amicable adjustment seemed not worth accepting; he demanded the delivering up the fort, and the recall of the troops that were stationed for the preserving the peace of the city. To me, tumult and discord appeared unnecessary. I gave up these points, upon which they seized my head Eunuchs, Jewar Ally Cawn and Behar Ally Cawn, and sent them to Mr. Middleton, after having obliged them to sign a bond for sixty lacks of rupees: They were thrown into prison with fetters about their feet, and denied food and water. I, who had never even in dreams experienced such an oppression, gave up all I had, to preserve my honour and dignity: But this would not satisfy their demands; they charged me with a rupee and half batta upon each Mohur, and on this account laid claims upon me to the amount of six lacks some thousand rupees, and sent Major Gilpin to exact the payment. Major Gilpin, according to orders, at first was importunate; but being a man of experience, and of a benevolent disposition, when he was convinced of my want of means, he changed his conduct, and was willing to apply to the shroffs and bankers to lend me the money. But with the loss of my Jaghires, my credit was sunk, I could not raise the sum; at last, feeling my helpless situation, I collected my wardrobe and furniture, to the amount of about three lack of rupees, besides fifty thousand rupees which I borrowed from one place or other, and sent Major Gilpin with it to Lucknow. My sufferings did not terminate here. The disturbances of Colonel Hannay and Mr. Gordon were made a pretence for seizing my Jaghire. The state of the matter is this: When Colonel Hannay was by Mr. Hastings ordered to march to Benares during the troubles of Cheyt Syng, the Colonel, *who had plundered the whole country, was incapable of proceeding, from the union of thousands of Zemindars, who had seized this favourable opportunity; they harrassed Mr. Gordon near Junivard, and the Zemindars*



of that place and Acherpore opposed his march from thence, till he arrived near Sanda. As the Sanda Nutta, from its overflowing, was difficult to cross without a boat, Mr. Gordon sent to the Fouzdar to supply him : He replied, the boats were all in the river, but would, according to orders, assist him as soon as possible. Mr. Gordon's situation would not admit of his waiting ; he forded the Nutta upon his elephant, and was hospitably entertained and protected by the Fouzdar for six days. In the mean time a letter was received by me from Colonel Hannay, desiring me to escort Mr. Gordon to Fyzabad. As my friendship for the English was always sincere, I readily complied, and sent some companies of Nejeebs to escort Mr. Gordon, and all his effects, to Fyzabad ; where having provided for his entertainment, I effected his junction with Colonel Hannay. The letters of thanks I received from both these gentlemen, upon this occasion, are still in my possession ; copies of which I gave in charge to Major Gilpin, to be delivered to Mr. Middleton, that he might forward them to the Governor General. To be brief, those who have loaded me with accusations, are now clearly convicted of falsehood. But is it not extraordinary, that notwithstanding the justness of my cause, that nobody relieves my misfortunes ? Why did Major Gilpin return without effect ?

My prayers have been constantly offered to Heaven for your arrival ; report has announced it ; for which reason I have taken up the pen, and request you will not place implicit confidence in my accusers, but, weighing in the scale of justice their falsehoods and my representations, you will exert your influence in putting a period to the misfortunes with which I am overwhelmed.

*Copy of a letter from Colonel Hannay to Jfewer Ally Cawn and Behar Ally Cawn.*

I had the pleasure to receive your friendly letter, fraught with benevolence ; and whatever favours you, my friends, have been pleased to confer respecting Mr. Gordon, afforded me the greatest pleasure.

Placing a firm reliance on your friendship, I am in expectation that the aforesaid gentleman, with his baggage, will arrive at Fyzabad in safety, that the same may oblige and afford satisfaction to me.

A letter from Mr. Gordon is inclosed to you—I am in expectation of its being inclosed in a cover to the Aumil of Saunda, to the end that the Aumil may forward it to the abovementioned gentleman, and procure his reply. Whenever the answer arrives, let it be delivered to Hoolas Roy, who will forward it to me.

Always rejoice me by a few lines respecting your health (continue to honour me with your correspondence.)

*Copy of a letter from Colonel Hannay to Jfewar and Behar Ally Cawn.*

Cawn Saib, my indulgent friends, remain under the protection of God.

Your friendly letter, fraught with kindness, accompanied by an honorary letter from the Begum Saib, of exalted dignity, and enclosing a letter from Mr. Gordon, sent through your Hircarabs, obliged and rejoiced me.

With respect to what you communicate regarding your not having received an answer to your friendly epistle, I became perfectly astonished, as a reply was written from Mohadree ; it may be owing to the danger of the road that it never arrived ; not to the smallest neglect on my side (or of mine.)

I now send two letters to you ; one by the Dawk people, and the second by one of my Hircarabs (who will present them to you) which you certainly will receive.

I am extremely well contented and pleased with the friendship you have shewn.

You wrote me, to remain perfectly easy concerning Mr. Gordon.—Verily, from the kindness of you, my indulgent friends, my heart is quite easy. You also observed and mentioned, that



that as Mr. Gordon's coming with those attached to him (probably his Sepoys and others) might be attended with difficulty, if I approved, he should be invited alone to Fyzabad.—My friends, I place my expectation entirely upon your friendships, and leave it to you to adopt the manner in which the said gentleman may arrive in security, without molestation at Fyzabad; but at the same time, let the plan be so managed that it may not come to the knowledge of any Zemindars; in this case, you are men of discernment. However, he is to come to Fyzabad; extend your assistance and endeavours.

It is probable that the Begum Saib, of high dignity, has received authentic intelligence from the camp at Benares. Favour me with the contents or purport.

From Mr. Gordon's letter, I understand that Mirza Imaum Baksh, whom you dispatched hither (Saunda) has, and still continues to pay great attention to that gentleman; which affords me great pleasure.

An answer to the Begum's letter is to be presented. I also send a letter for Mr. Gordon, which please to forward.

---

*An Address from Colonel Hannay to the Begum.*

Begum Saib, of exalted dignity and generosity, &c. whom God preserve.

Your exalting letter, fraught with grace and benevolence, that through your unbounded generosity and goodness was sent through grace and favour, I had the honour to receive in a fortunate moment; and whatever you were pleased to write respecting Mr. Gordon, "that at this time the short-sighted and deluded Ryots had carried their disturbances and ravages beyond all bounds, Mr. Gordon's coming with his whole people (or adherents) might be attended with difficulty; and therefore, if I chose, he should be invited to come alone." Now, as your Highness is the best judge, your faithful servant reposeth his most unbounded hopes and expectations upon your Highness, that the aforesaid Mr. Gordon may arrive at Fyzabad without any apprehension or danger. I shall be then extremely honoured and obliged.

Consider me in the light of a firm and faithful servant, continue to honour and exalt me by your letters.

What further can I say?

---

*A Copy of an Address from Mr. Gordon to the Begum.*

Begum Saib, of exalted dignity and generosity, whom God preserve.

After presenting the usual professions of servitude, &c. in the customary manner, my address is presented.

Your gracious letter, in answer to the petition of your servant from Goondah, exalted me. From the contents, I became unspeakably impressed with the honour it conferred. May the Almighty protect that royal purity, and bestow happiness, increase of wealth, and prosperity.

The welfare of your servant is entirely owing to your favour and benevolence. A few days have elapsed since I arrived at Goondah with the Colonel Saib.

This is presented for your Highness's information. I cherish hopes from your generosity, that considering me in the light of one of your servants, always continue to exalt and honour me with your gracious letters.

May the Sun of prosperity continually shine.

E. c

Copy



*Copy of a Letter to Mahumed Jewar Ally Cawn and Behar Ally Cawn, from Mr Gordon.*

Sirs, my indulgent friends,  
Remain under, &c. &c.

After compliments. I have the pleasure to acquaint you, that yesterday, having taken leave of you, I passed the night at Noorgunge, and next morning about ten or eleven o'clock, through your favour and benevolence, arrived safe at Goondah. Mur Aboo Buksh, Zemindar, and Mur Rustum Ally, accompanied me.

To what extent can I prolong the praises of you, my beneficent friends? May the Supreme Being, for this benign, compassionate, humane action, have you in his keeping, and increase your prosperity, and speedily grant me the pleasure of an interview. Until which time continue to favour me with friendly letters, and oblige me by any commands in my power to execute.

May your wishes be ever crowned with success!

My Compliments, &c. &c. &c.

---

*Copy of a Letter from Colonel Hannay to Jewar Ally Cawn and Behar Ally Cawn.*

Cawn Saib, my indulgent friends,  
Remain under the protection of the Supreme being.

After compliments and signifying my earnest desire of an interview, I address you.

Your friendly letter, fraught with kindness, I had the pleasure to receive in a propitious hour, and your inexpressible kindness in sending for Mur Nasser Ally with a force to Taunda for the purpose of conducting Mr. Gordon with all his baggage, who is now arrived at Fyzabad.

This event has afforded me the most excessive pleasure and satisfaction. May the Omnipotence preserve you, my steadfast firm friends. The pen of friendship itself cannot sufficiently express your generosity and benevolence, and that of the Begum of high dignity, who so graciously has interested herself in this matter. Inclosed is an address for her, which please to forward. I hope from your friendship until we meet, you will continue to honour me with an account of your health and welfare. What further can I write?



(No. 5.)

## The REVOLUTIONS in FARRUCKABAD.

## I.

**T**HAT a Prince called Ahmed Khân was a family amongst the most distinguished in Indostan, and of a nation famous through that empire for its valour in acquiring, and its policy and prudence in well governing the territories it had acquired, called the Pataus or Afghauns, of which the Rohillas were a branch. The said Ahmed Khân had fixed his residence in the city of Farruckabad, and in the first wars of this nation in India, the said Ahmed Khân attached himself to the Company against Sujah Dowlah, then an enemy, now a dependant on that Company. Ahmed Khân, towards the close of his life, was dispossessed of a large part of his dominions by the prevalence of the Mahratta power; but his son, a minor, succeeded to his pretensions, and to the remainder of his dominions. The Mahrattas were expelled by Sujah ul Dowlah, the late Vizier, who, finding a want of the services of the son and successor of Ahmed Khân, called Mozaffer Jung, did not only guarantee him in the possession of what he then actually held, but engaged to restore all the other territories which had been occupied by the Mahrattas: and this was confirmed by repeated treaties and solemn oaths, by the late Vizier and by the present; but neither the late nor the present Vizier fulfilled their engagements, or observed their oaths; the former having withheld what he had stipulated to restore, and the latter, not only subjecting him to a tribute, instead of restoring him to what his father had unjustly withheld, and having made a further invasion by depriving him of fifteen of his districts, levying the tribute of the whole on the little that remained, and did put the small remains of his territory under a sequestrator or collector, appointed by Almas Ali Khân, who did grievously afflict and oppress the Prince and territory aforesaid.

That the hardships of his case being frequently represented to Warren Hastings, Esquire, he did suggest a doubt, whether “that little ought to be still subject to tribute,” indicating that the said tribute might be hard and inequitable; but whatever its justice might have been, that “from the *earliest period* of our connection with the present Nabob of Owde, it had invariably continued a part of the funds assigned by his Excellency as a provision for the liquidation of the several public demands of *this government* (Calcutta) upon him; and in consequence of the powers the Board deemed it expedient to vest in the Resident at his Court, for the collection of the Company’s assignments, a sezauwil (a sequestrator) has always been stationed to enforce by every means in his power the payment of the tribute.” And the said tribute was, in consequence of this arrangement, not paid to the Nabob, but to the British Resident at Owde; and the same being therefore under the direction, and for the sole use of the Company, and indeed the Prince himself wholly dependent, the representatives of the said Company were responsible for the protection of the Prince, and for the good government of the country.

## II.

That the said Warren Hastings did, on the 22d of May, 1780, represent to the Board of Calcutta the condition of the said country in the following manner:

“The total want of all order, regularity, or *authority* in his government, (the Farruckabad government) to which, among *other obvious causes*, it may, no doubt, be owing, that the country of Farruckabad is become *an almost entire waste, without cultivation or inhabitants*; that the capital, which, but a very short time ago, was distinguished as one of the most *opulous and opulent* commercial cities in Indostan, at present exhibits nothing *but* scenes of the most wretched poverty, desolation, and misery; and that the Nabob himself, though in possession of a tract of country, which, with only common care, is notoriously capable of yielding an annual revenue of between thirty and forty lacks (three or four hundred thousand pounds) with *no military establishment to maintain, scarcely commanding the means of bare subsistence*.” And the said Warren Hastings, taking into consideration the said state of the country and its Prince; and that the latter had “*preferred frequent complaints* (which complaints the said Hastings to that time did not lay before the Board, as his duty required) *of the hardships and indignities to which he is subjected by the conduct of the sezauwil (sequestrator) stationed in the* country



“ country for the purpose of levying the annual tribute, which he is bound by treaty to pay to the Soubah of Owde ;” he, the said Warren Hastings, did declare himself “ extremely desirous, as well from motives of *common justice* as *due* regard to the *rank which that Chief holds among the Princes of Indostan*, of affording him relief.” And he, the said Warren Hastings, as the means of the said relief, did, with the consent of the Board, order the said native sequestrator to be removed, and an English Resident, a servant of the Company, to be appointed in his room, declaring, “ he understood a local interference to be *indispensably necessary* for “ realizing the Vizier’s just demands.”

### III.

That the said native sequestrator being withdrawn, and a Resident appointed, no complaint whatever concerning the collection of the revenue, or of any indignities offered to the Prince of the country, or oppression of his subjects by the said Resident, was made to the Superior Council at Calcutta; yet the said Warren Hastings did, nevertheless, in a certain paper, purporting to be a treaty made at Chunar with the Nabob of Owde on the 19th of September, 1781, at the request of the said Nabob, consent to an article therein, “ That no English Resident be “ appointed to Farruckabad, and that the present be recalled;” and the said Warren Hastings, knowing that the Nabob of Owde was ill-affected towards the said Nabob of Farruckabad, and that he was already supposed to have oppressed him, did justify his conduct on the principles, and in the words following: “ That if the Nabob Mozaffer Jung *must* endure “ oppression, (*and I dare not at this time propose his total relief*) it concerns the reputation of our “ government to remove our *participation in it*.” And the said Warren Hastings making, recording, and acting upon the first of the said false and inhuman suppositions, most scandalous to this nation, namely, that Princes paying money wholly for the use of the Company, and directly to its agent, for the maintenance of British troops, by whose force and power the said revenue was in effect collected, must of necessity endure oppression, and that our government at any time *dare* not propose their *total* relief, was an high offence and misdemeanor in the said Warren Hastings, and the rather, because in the said treaty, as well before and after, the said Hastings, who pretended not to dare to relieve those oppressed by the Nabob of Owde, did assume a complete authority over the said Nabob himself, and did dare to oppress him.

### IV.

That the second principle, assumed by the said Warren Hastings, as ground for voluntarily abandoning the protection of those, whom he had before undertaken to relieve, *on the sole strength of his own authority*, and in full confidence of the lawful foundation thereof, and for delivering over the person so taken into protection, under false names and pretended descriptions, to known oppression, asserting, that the reputation of the Company was saved by removing this apparent participation, when the new, as well as the old arrangements, were truly and substantially acts of the British Government, was disingenuous, deceitful, and used to cover unjustifiable designs, since the said Warren Hastings well knew, that all oppressions exercised by the Nabob of Owde, were solely, and in this instance particularly, upheld by British force, and were imputed to this nation; and because he himself, in not more than three days after the execution of this treaty, and in virtue thereof, did direct the British Resident at Owde, in orders, *to which he required his most implicit obedience*, “ That the Ministers (the “ Nabob of Owde’s Ministers) are to chuse *all* aumils and collectors of revenue with your “ concurrence.” And the dishonour to the Company, in thus deceitfully concurring in oppression, which they were able and were bound to prevent, is much aggravated by the said Warren Hastings’s receiving from the person, to whose oppression he had delivered the said Prince, as a private gift or donation, to himself, and for his own use, a sum of money, amounting to one hundred thousand pounds and upwards, which might give just ground of suspicion, that the said gift from the oppressor to the person surrendering the person injured to his mercy, might have had some share in the said criminal transaction.

### V.

That the said Warren Hastings did (in the paper justifying the said surrender of the Prince, put by himself under the protection of the East India Company) assert, “ That it was a fact, “ that the Nabob Mozaffer Jung (the Nabob of Farruckabad) is equally urgent with the “ Nabob Vizier for the removal of a Resident,” without producing, as he ought to have done, any document to prove his improbable assertion, namely, his assertion that the oppressed Prince did apply to his known enemy and oppressor, the Nabob of Owde (who, if he would, was not able to relieve him against the will of the English Government) rather than to that English Government, which he must have conceived to be more impartial, to which he had made his former complaint, and which was alone able to relieve him.

### VI. That



## VI.

That the said Warren Hastings, in the said writing, did further convey an insinuation of an ambiguous, but, on any construction, of a suspicious and dangerous import; viz. "It is a fact, that Mr. Shee's (the Resident's) authority over the territory of Farruckabad, is in itself as much subversive of that, (*of the lawful rulers*) as that of the Vizier's aumil (collector) ever was, and is the more *oppressive*, as the power from whence it is derived is greater." The said assertion proceeds upon a supposition of the illegality, both of the Nabob's and the Company's government; all consideration of the *title* to authority being therefore on that supposition put out of the question, and the whole turning only upon the *exercise* of authority, the said Hastings's suggestion, that the oppression of government must be in proportion to its power, is the result of a false and dangerous principle, and such as it is criminal for any person, entrusted with the lives and fortunes of men, to entertain, much more publicly to profess as a rule of action, as the same hath a direct tendency to make the new and powerful government of this kingdom in India dreadful to the natives, and odious to the world. But if the said Warren Hastings did mean thereby indirectly to insinuate, that oppressions had been actually exercised under the British authority, he was bound to enquire into these oppressions, and to animadvert on the person guilty of the same, if proof thereof could be had; and the more, as the authority was given by *himself*, and the person, exercising it, was by himself also named. And the said Warren Hastings did, on another occasion, assert that "whether they were well or ill founded, he never had an opportunity to ascertain." But it is not true, that the said Hastings did, or could want such opportunity; the fact being, that the said Warren Hastings did never cause any enquiry to be made into any supposed abuses, during the said Residency, but did give a pension of fifteen hundred pounds a year to the said late Resident, as a compensation to him for an injury received, and did afterwards promote the said Resident, as a faithful servant of the Company, (and nothing appears to shew him otherwise) to a judicial office of high trust; thereby taking away all credit from any grounds asserted or insinuated by the said Hastings, for delivering the said Nabob of Farruckabad, to the hand of a known enemy and oppressor, who had already, contrary to repeated treaties, deprived him of a large part of his territories.

## VII.

That on the said Warren Hastings's representation of the transaction aforesaid to the Court of Directors, they did heavily and justly censure the said Warren Hastings for the same, and did convey their censure to him, recommending relief to the sovereign Prince, but without any order for sending a new Resident; being, as it may be supposed, prevented from taking that step by the faith of the treaty made at Chunar.

## VIII.

That all the oppressions, foreseen by him the said Warren Hastings, when he made the article aforesaid in the treaty of Chunar, did actually happen; for immediately on the removal of the British Resident, the country of Farruckabad was subjected to the discretion of a certain native Manager of Revenue called Almas Ally Khan, who did impoverish and oppress the country, and insult the Prince, and did deprive him of all subsistence from his own estates; taking from him even his gardens and the tombs of his ancestors, and the funds for maintaining the same.

## IX.

That on complaint of those proceedings, the said Hastings did, of his own authority, and without communicating with his Council, direct the native Collector aforesaid to be removed, and the territory of Farruckabad to be left to the sole management of its natural Prince. But in a short time, the said Hastings, pretending to receive many complaints, purporting that the tribute to the Nabob remained wholly unpaid, and the agent to the Prince of Farruckabad at the Presidency, and afterwards chief manager to the Prince aforesaid, having, as the said Warren Hastings saith, "had the insolence to propagate a report, that the *interference* to which his master owed the power he then enjoyed, was *purchased* through him," he the said Hastings did again (but as before without the Council) "withdraw his protection and interference altogether" on or about the month of August, 1782, and did signify his resolution, through the Resident Middleton, to the Nabob Vizier. But the said Hastings asserts, that "the consequence of this his own second dereliction of the Prince of Farruckabad, was an *aggravated renewal of the severities* exercised against his government, and the re-appointment of a  
F f Sczawall,



“ Sezawall, with powers delegated or assumed, to the *utter extinction* of the rights of Mo-  
 “ zaffer Jung, and actually depriving him of the means of subsistence.” And the said  
 Hastings did receive, on the 16th of February, 1783, from the Prince aforesaid, a bitter  
 complaint of the same, to the following tenor :

“ The miseries which have fallen upon my country, and the poverty and distress which  
 “ have been heaped upon me, by the re-appointment of the Sezawall, are such, that a relation  
 “ of them would, I am convinced, excite the strongest feelings of compassion in your breast.  
 “ But it is impossible to relate them : On one side, my country ruined and uncultivated to  
 “ a degree of desolation which exceeds all description ; on the other, my domestic con-  
 “ cerns and connexions involved in *such a state of distress and horror, that even the relations,*  
 “ *the children, and the wives of my father are starving, in want of daily bread, and are on the*  
 “ *point of flying voluntary exiles from their country, and from each other.*”

But although the said Hastings did, on the 16th of February, receive and admit the justice  
 of the said complaint, and did not deny the urgent necessity of redress, the said letter contain-  
 ing the following sentence : “ If there should be *any delay* in your acceptance of this proposal,  
 “ *my existence and the existence of my family will become difficult and doubtful.*” And although he  
 did admit the interference to be the more urgently demanded, “ as the services of the English  
 “ troops have been added to enforce the authority of the Sezawall,” and although he admits  
 also, that even before that time, similar complaints and applications had been made, yet he did  
 withhold the said letter of complaint, a minute of which he asserts he had, at or about that  
 time, prepared for the relief of the sufferer, from the Board of Council, and did not so much  
 as propose any thing relative to the same for seven months after, viz. until the 6th of October,  
 1783. The said letter and minute being, as he asserts, “ *withheld from causes not necessary to*  
 “ *mention, from presentation.*” By which means, the said country and Prince did suffer a  
 long continuation of unnecessary hardship, for which the said Hastings confessed it was his duty  
 to relieve them, and that a British Resident was necessary at Farruckabad, “ from a sense of  
 “ submission to the *implied* orders of the Court of Directors, in their letter of 1783, lately  
 “ received, added to the *conviction I have LONG SINCE* entertained of the necessity of such an  
 “ *appointment, for the preservation of our national credit, and the means of rescuing an ancient*  
 “ *and respectable family from ruin.*”

And the said Warren Hastings did at length perform what he thought had *long since* been  
 necessary, and in contradiction to his engagements with the Nabob, in the treaty of Chunar ;  
 and against his strong remonstrances, urging his humiliation from this measure, and the faith  
 of the agreement, and against his own former declaration, that it concerned the reputation  
 of our Government to remove our participation in the oppressions which he, the said Hastings,  
 supposed the Prince of Farruckabad must undergo, did once more recommend to the Council  
 a British Resident at Farruckabad, and the withdrawing the native Sezawall ; no course being  
 left to the said Hastings to take, which was not a violation of some engagement, and a  
 contradiction to some principle of justice and policy by him deliberately advanced and entered  
 on record.

That Mr. Willes being appointed Resident, and having arrived at Farruckabad on the 25th  
 of February, 1784, with instructions to enquire minutely into the state of the country and  
 the ruling family, he, the said Resident Willes, in obedience thereto, did fully explain to him,  
 the Governor General, the said Warren Hastings, (he being then out of the Company's  
 Provinces, at Lucknow, on a delegation which respected this very country as part of the de-  
 pendencies of Owde) the situation of the province of Farruckabad ; but the said Warren  
 Hastings did not take or recommend any measure whatsoever for the relief thereof, in conse-  
 quence of the said representation ; nor even communicate to the Council General the said  
 representation ; and it was not until the 28th of June, 1783, that is sixteen months from the  
 arrival of the Resident at his station, that any thing was laid before the Board relative to the  
 regulation or relief of the distressed country aforesaid, and that, not from the said Warren  
 Hastings, but from other members of the Council ; which purposed neglect of duty, joined  
 to the preceding wilful delay of seven months in proposing the said relief originally, caused  
 near two years delay. And the said Warren Hastings is further culpable, in not communi-  
 cating to the Council Board the order which he had, of his own authority, and without any  
 powers from them, given to the said Resident Willes, and thereby prevented them, and did  
 thereby prevent them from taking such steps as might counteract the ill effects of the said  
 order ; which order purported that the said Willes was not to interfere with the Nabob of  
 Farruckabad's government, for the regulation of which he was in effect appointed to the  
 Residency ; declaring as follows : “ I rely much on your moderation and good judgment,  
 “ which



“ which I hope will enable you to regulate your conduct towards the Nabob and his *servants* in such a manner, that, *without interfering in the executive part of his government*, you may render him essential service by *your counsel and advice*.” And this restriction the said Hastings did impose, which totally frustrated the purpose of the Resident’s mission, though he well knew, and had frequently stated the extreme imbecility and weakness of the said Nabob of Farruckabad, and his subjection to unworthy servants. And in the minute of consultation, upon which he founded the appointment, did state the Nabob of Farruckabad “ as a weak and unexperienced young man, who had abandoned himself entirely to the discretion of his servants; and the restoration of his independence was followed by a *total* breach of the engagements he had promised to fulfil, attended by pointed instances of contumacy and disrespect.” And in the said minute the said Hastings adds (as before mentioned) “ his principal servant and manager had propagated a report, that the *interference*, (namely his the said Hastings’s interference) “ to which his master owed the power he then enjoyed, was purchased by him,” the principal servant aforesaid: yet he, the said Hastings, who had assigned on record the character of the said Nabob, and the conduct of his servants, and the aforesaid report of his principal servant, so highly dishonourable to him the said Hastings, as reasons for taking away the independency of the Nabob of Farruckabad, and the subjecting him to the oppression of the Nabob of Owde’s officer Almas Ally, did again himself establish the pretended independence of the said Prince of Farruckabad, and the real independence of his corrupt and perfidious servants, not against the Nabob of Owde, but against a British Resident appointed by himself (“ as a character eminently qualified for such a charge”) for the correction of those evils, and for rendering the Prince aforesaid an useful ally to the Company, and restoring his dominions to order and plenty.

That the said Hastings did not only disable the Resident at Farruckabad by his said prohibitory letter, but did render his very remaining at all in that station perfectly precarious, by a subsequent letter rendering him liable to dismissal by the Vizier—thereby changing the tenure of the Resident’s office, and changing him from a minister of the Company, dependent on the Governor General and Council, to a dependant upon an irresponsible power; in this also acting without the Council, and by his own usurped authority: And accordingly the said Resident did declare in his letter of the 24th of April, 1785, “ that the situation of the country was *more* distressful than when he (the Prince of Farruckabad) addressed himself for relief in 1783, and that he was sorry to say that his appointment at Farruckabad was of no use.” That though the old tribute could not be paid, owing to famine and other causes, it was increased by a new imposition, making the whole equal the entire *gross* produce of the revenue; that therefore there will not be “ *any thing for the subsistence of the Nabob and family*.” And the uncles of the said Nabob of Farruckabad, the brethren of the late Ahmed Khan (who had rendered important services to the Company) and their children, in a petition to the Resident, represented, that soon after the succession of Mozaffer Jung, “ their misery commenced. The Jaghires (lands and estates) on which they subsisted were disallowed. Our distress is great, we have neither clothes nor food. Though we felt hurt at the idea of explaining our situation, yet, could we have found a mode of conveyance, we would have proceeded to Calcutta for redress. The scarcity of grain this season is an additional misfortune. With difficulty we support life. From your presence without the provinces we expect relief. It is not the custom of the Company to deprive the Zemindars and Jaghurdars of the means of subsistence. To your justice we look up.”

This being the situation of the person and family of the Nabob of Farruckabad and his nearest relations, the state of the Company and its capital prevented from all relief by the said Warren Hastings, is described, in the following words, by the Resident Willes.

“ Almas Ally has taken the Purgunnah of Marara at a very inadequate rent, and his Aumils have seized many adjacent villages: the Purgunnahs of Cocutmow and Souje are constantly plundered by his people. The collection of the Gauts near Fatty Ghur have been seized by the Vizier’s Cutwal, and the Zemindars in four Purgunnahs, are so refractory as to have fortified themselves in their guries, and to refuse all payments of revenue. This is the state of the Purgunnahs; and Farruckabad, which was once the seat of great opulence and trade, is now daily deserted by its inhabitants. Its walls mouldering away, without police, without protection, exposed to the depredations of a banditti of two or three hundred robbers, who, night after night enter it for plunder, murdering all who oppose them. The ruin that has overtaken this country is not to be wondered at, when it is considered that there has been no state, no stable government for many years. There has been the Nabob Vizier’s authority, his Ministers, the Resident’s at Lucknow, the Sezawalls, the camp authority, the Nabob Mozaffer Jung’s, and that of twenty Dewans or advisers. No authority sufficiently predominant to establish any regulations “ for



“ for the benefit of the country, whilst each authority has been exerted as opportunity offered  
 “ for temporary purposes.”

“ Such being the present *deplorable* state of Farruckabad and its districts, in the ensuing  
 “ year it will be in vain to look for revenue, if some regulations, equal to the exigency, be  
 “ not adopted. The whole country will be divided between the neighbouring powerful Au-  
 “ mils, the refractory Zemindars, and banditti of robbers; and the Patans, who might be  
 “ made useful subjects, will fly from the scene of anarchy. The crisis appears now come, that  
 “ either some plan of government should be resolved on, so as to form faithful subjects on the  
 “ frontier, or the country be given up to its fate; and if it be abandoned, there can be little  
 “ doubt but that the Mahrattas will gladly seize on a station so favourable to incursions into  
 “ the Vizier’s dominions, will attach to their interests the Hindoo Zemindars, and possess  
 “ themselves of forts, which with little expence being made formidable, would give employ-  
 “ ment perhaps to the whole of our force, should it ever be necessary to recover them.”

That the Council at Calcutta, on the representation aforesaid, made by the Resident at Farruckabad, did propose and record a plan for the better government of the said country, but did delay the execution of the same, until the arrangements made by the said Hastings with the Nabob Vizier should be known; but the said Hastings, as far as in him lay, did entirely set aside any plan that could be formed for that purpose, upon the basis of a British Resident at Farruckabad, by engaging with the said Nabob Vizier, that no British influence shall be employed within his dominions, and he has engaged to that Prince, not to abandon him to any other mode of relation; and he has informed the Court of Directors that the territories of the Nabob of Owde will be ruined, if Residents are sent into them, observing, that “ Residents never  
 “ will be sent for any other Purpose, than those of vengeance and corruption.”

That the said Warren Hastings did declare to the Court of Directors, that in his opinion the mode of relief most effectual, and most lenient with regard to Farruckabad, would be to nominate one of the family of the Prince to superintend his affairs, and to secure the payments; but this plan, which appears to be most connected with the rights of the ruling family, whilst it provides against the imbecility of the natural Lord, and is free from his objection to a Resident, is the only one which the said Hastings never has executed, or even proposed to execute.

That the said Hastings, by the agreements aforesaid, has left the Company in such an alternative, that they can neither relieve the said Prince of Farruckabad from oppression, without a breach of the engagements entered into by him the said Hastings, with the Nabob Vizier, in the name of the Company, nor suffer him to remain under the said oppression without violating all faith, and all the rules of justice with regard to him. And the said Hastings hath directly made, or authorised, no less than six revolutions in less than five years, in the aforesaid harrassed province; by which frequent and rapid changes of government, all of them made in contradiction to all his own declared motives and reasons, for the several acts successively done and undone in this transaction, the distresses of the country, and the disorders in its administration, have been highly aggravated; and in the said irregular proceedings, and in the gross and complicated violations of faith with all parties, the said Hastings is guilty of high crimes and misdemeanours.

(No. 6.)

## DESTRUCTION of the RAJAH of SAHLONE.

### I.

**T**HAT the late Nabob of Owde, Suja ul Dowlah, did (on what reasons of policy, or pretences of justice, is unknown) dispossess a certain native person of distinction, or eminent Rajah, residing in the country of Sahlone, “ the lineal descendant of the most powerful Hindoo  
 “ Family in that part of Indostan,” of his patrimonial estate; and conferred the same, or part of the same, on his (the Nabob’s) mother, as a jaghire [or estate] for the term of her life:  
 and



and the mother of the Nabob, in order to quiet the country, and to satisfy in some measure the principal and other inhabitants, did allow and pay a certain pension to the said Rajah; which pension, on the general confiscation of jaghires (made at the instigation of the said Warren Hastings) and by the letting the lands so confiscated to farmers at rack-rents, was discontinued, and refused to be paid; and the discontinuance of the said pension, "on account of the personal respect borne to the Rajah (as connections with him are sought for, and thought to confer honour,)" did cause an universal discontent, and violent commotions, in the district of Sahlone, and other parts of the province of Owde, with great consequent effusion of blood, and interruption, if not total discontinuance, to the collection of the revenues in those parts, other than as the same was irregularly, and with great damage to the country, enforced by British troops.

## II.

That Mr. Lumsdaine, the officer employed to reduce those disordered parts of the province to submission, after several advantages gained over the Rajah and his adherents, and expelling him from the country, did represent the utter impossibility of bringing it to a permanent settlement "merely by forcible methods; as in any of his (the Rajah's) incursions, it would not be necessary to bring even a force with him, as the Zemindars [landed proprietors and freeholders] are much attached to the Rajah, whom they consider as their hereditary Prince, and never fail to assist him; and that his rebellion against government is not looked on as a crime:" and Mr. Lumsdaine declared it "as his clear opinion, that the allowing the said Rajah a pension, suitable to his rank and influence in the country, to be the most certain mode of obtaining a permanent peace;" alledging, among other cogent reasons, "that the expence of the force necessary to be employed to subdue the country might be spared, and employed elsewhere; and that the people would return to their villages with their cattle and effects, and of course government have some security for the revenue, whereas at present they have none:" and the representation containing that prudent and temperate counsel, given by a military man of undoubted information, and perfect experience in the local circumstances of the country, was transmitted by the Resident Bristow to the said Warren Hastings, who did wilfully and criminally omit to order any relief to the said Rajah, in conformity to the general sense and wishes of the inhabitants; a compliance with whose so reasonable an expectation, his duty in restoring the tranquillity of the country, and in retrieving the honour of the English government, did absolutely require. But, instead of making such provision, a price was set upon his head; and several bodies of British troops being employed to pursue him, after many skirmishes and much bloodshed, and mutual waste of the country, the said Rajah, honoured and respected by the natives, was hunted down, and at length killed in a thicket.

---

(No. 7.)

CHARGES of PROFUSION in the DISPOSAL of the COMPANY'S TREASURE, and augmenting the CIVIL ESTABLISHMENTS, from 205,399l. per Annum, to 927,945l. per Annum.

**T**HAT the Court of Directors of the East-India Company had laid down the following fundamental rules, for the conduct of such of the Company's business in Bengal, as could be performed by contract; and had repeatedly and strictly ordered the Governor and Council of Fort William to observe those rules: viz. That all contracts should be publicly advertised, and the most reasonable proposals accepted; that the contracts of provisions and for furnishing draught and carriage bullocks for the army, should be *annual*: and that they should not fail to advertise for, and receive proposals for those contracts *every year*.

That the said Warren Hastings, in direct disobedience to the said positive orders, and, as the Directors themselves say, *by a most deliberate breach of his duty*, did, in September 1777, accept of proposals offered by Ernest Alexander Johnson, for providing draught and carriage bullocks, and for victualling the Europeans, without advertising for proposals as he was expressly commanded to do, and extended the contract for *three years*, which was positively ordered to be annual; and, notwithstanding that extension of the period, which ought at least to have been compensated by



some advantage to the Company in the conditions, did conclude the said contract upon terms less advantageous than the preceding contract, and therefore not on the lowest terms procurable:—That the said Warren Hastings, in defiance of the judgment and lawful orders of his superiors, which in this case left him no option, declared, that he disapproved of publishing for proposals, and that the contract was reduced too low already; thereby avowing himself the advocate of the contractor, against whom, as representative of the Company, and guardian of their interests, he properly was party, and preferring the advantage of the Contractor to those of his own constituents and employers:—That the Court of Directors of the East-India Company, having carefully considered the circumstances and tendency of this transaction, condemned it in the strongest terms, declaring, that they would not permit the contract to be continued, and that, “if the contractor should think himself aggrieved, and take measures in consequence, by which the Company became involved in loss or damage, they should certainly hold the majority of the Council responsible for such loss or damage, and proceed against them accordingly.”—That the said Warren Hastings, in defiance of orders, which, the Directors say, were plain and unequivocal, did, in January 1777, receive from George Templar, a proposal essentially different from the advertisement published by the Governor General and Council for receiving proposals for feeding the Company’s elephants, and did accept thereof, not only without having recourse to the proper means for ascertaining whether the said proposal was the lowest that would be offered, but with another actually before the Board, nearly 30 per cent. lower than that made by the said George Templar, to whom the said Warren Hastings granted a contract, in the terms proposed by the said Templar, for three years, and did afterwards extend the same to five years, with new and distinct conditions, accepted by the said Warren Hastings, without advertising for fresh proposals, by which the Company were very considerable losers:—On all which the Court of Directors declared; “That this waste of their property could not be permitted; that he the said Warren Hastings had disregarded their authority, and disobeyed their orders, “in not taking the lowest offers;” and they ordered that the contract for elephants should be annulled: And the said Directors further declared, that “if the Contractor should recover damages of the Company for breach of engagement, they were determined, in such case to institute a suit at law against those members of the Board who had presumed, in direct breach of their orders, “to prefer the interest of an individual to that of the Company.”—That the said Warren Hastings did, in the year 1777, conclude with - - - - - Forde, a contract for an armed vessel for the pilotage of the Chittagoing river, and for the defence of the coast and river against the incursions of robbers, for the term of five years, in further disobedience of the Company’s orders respecting the mode and duration of contracts, and with a considerable increase of expence to the Company:—That the farming out the defence of a country to a Contractor, being wholly unprecedented, and evidently absurd, could have no real object but to enrich the Contractor at the Company’s expence; since either the service was not dangerous, and then the establishment was totally unnecessary, or, if it was a dangerous service, it was evidently the interest of the Contractor to avoid such danger, and not to hazard the loss of his ship or men, which must be replaced at his own expence, and therefore that an active and faithful discharge of the Contractor’s duty, was incompatible with his interest.

That the said Warren Hastings, in further defiance of the Company’s orders, and in breach of the established rule of their service, did, in the year 1777, conclude a contract with the Master and Deputy Master Attendant of the Company’s marine or pilot service, for supplying the said marine with naval stores, and executing the said service, for the term of two years, and without advertising for proposals: That the use and expenditure of such stores, and the direction of the pilot vessels, is under the management, and at the disposition of the Master Attendant, by virtue of his office: That he is officially the proper and regular check upon the person who furnishes the stores, and bound by his duty to take care that all contracts for furnishing such stores are duly and faithfully executed:—That the said Warren Hastings, by uniting the supply and the check in the same hands, did not only disobey the Company’s specific orders, and violate the fundamental rules and practice of the service, but did overset the only just and rational principle, on which this, and every other service of a similar nature, ought to be conducted; and did not only subject the Company’s interest, in point of expence, to fraud and collusion, but did thereby expose the navigation of the Bengal river to manifest hazard and distress; considering that it is the duty of the Master Attendant to take care that the pilot vessels are constantly stationed in the roads to wait the arrival of the Company’s ships, especially in tempestuous weather, and that they should be in a constant condition to keep the sea; whereas it is manifestly the interest of the contractor, in the first instance, to equip the said vessels as scantily as possible, and afterwards to expose them as little as possible to any service in which the stores, to be replaced by him, might be lost or consumed: And finally, that in June 1779, the said contract was prolonged to the said Master Attendant, by the said Warren Hastings, for the further period of two years from the expiration of the first, without advertising for proposals.—That it does not appear that any of the preceding contracts have been annulled, or the charges attending any of them abated, or that the Court of Directors have ever taken any measures to compel the said Warren Hastings



Hastings to indemnify the Company, or to make good any part of the loss incurred by the said contracts.

That in the year 1777 the said Warren Hastings did recommend and appoint John Belli, at that time his private Secretary, to be Agent for supplying the garrison of Fort William with victualling stores: That the stores were to be purchased with money advanced by the Company; and that the said Agent was to be allowed a commission, or per centage, for his risk and trouble: That, in order to ascertain what sum should be a reasonable compensation for the Agent, the Governor General and Council agreed to consult some of the principal Merchants of Calcutta: That the Merchants, so consulted, reported their opinion, that 20 per cent. on the prime cost of the stores would be a reasonable compensation to the Agent: That nevertheless, the said Warren Hastings, supported by the vote and concurrence of Richard Barwell, then a Member of the Supreme Council, did propose and carry it, that 30 per cent. per annum should be allowed upon all stores to be provided by the Agent: That the said Warren Hastings professed, that "he preferred an agency to a contract for this service; because, if it were performed by contract, it must then be advertised, and the world would know what provision was made for the defence of the Fort;" as if its being publicly known that the Fort was well provided for defence, were likely to encourage an enemy to attack it.—That in August, 1779, in defiance of the principle laid down by himself for preferring an agency to a contract, the said Warren Hastings did propose, and carry it, that the agency should be converted into a contract, to be granted to the said John Belli, without advertising for proposals, and fixed for the term of five years, "pretending that he had received frequent remonstrances from the said Agent, concerning the heavy losses and inconveniences to which he was subjected by the indefinite terms of his agency," notwithstanding it appeared, by evidence produced at the Board, that, on a supply of about £.37,000, he had already drawn a commission of £.22,000 and upwards.—That the said Warren Hastings pledged himself, that, *if required by the Court of Directors, the profits arising from the agency should be paid into the Company's Treasury, and appropriated as the Court should direct.*—That the Court of Directors, as soon as they were advised of the first appointment of the said agency, declared, that they considered the commission of 20 per cent. as an ample compensation to the Agent; and did positively order, that, according to the engagement of the said Warren Hastings, "the commission paid or to be paid to the said Agent, should be reduced to £.20 per cent."—That the said John Belli did positively refuse to refund any part of the profits he had received, or to submit to a diminution of those which he was still to receive; and that the said Warren Hastings has never made good his own voluntary and solemn engagement to the Court of Directors herein above mentioned: And as his failure to perform the said engagement is a breach of faith to the Company; so his performance of such engagement, if he had performed it, and even his offering to pledge himself for the Agent, in the first instance, ought to be taken as presumptive evidence of a connexion between the said Warren Hastings and the said Agent, his private Secretary; which ought not to exist between a Governor, acting in behalf of the Company, and a contractor making terms with such Governor for the execution of a public service.

That, before the expiration of the contract herein before mentioned, for supplying the army with draught and carriage bullocks, granted by the said Warren Hastings to Ernest Alexander Johnson for three years, the said Warren Hastings did propose and carry it in Council, that a new contract should be made, on a new plan, and that an offer thereof should be made to Richard Johnson, brother and executor of the said contractor, without advertising for proposals, for the term of *five years*:—That this offer was *voluntarily accepted* by the said Richard Johnson, who, at the same time, desired, and obtained, that the new contracts should be made out in the name of Charles Croftes, the Company's Accountant and Sub-treasurer at Fort William:—That the said Charles Croftes offered the said Richard Johnson as one of his securities for the performance of the said contract, who was accepted as such by the said Warren Hastings; and that, at the request of the said Contractor, the contract for victualling the Europeans serving at the Presidency, was added to and united with that for furnishing bullocks, and fixed for the same period: That this extension of the periods of the said contracts was not compensated by a diminution in the charge to be incurred by the Company on that account, as it ought to have been; but, on the contrary, the charge was immoderately increased by the new contracts; insomuch, that it was proved, by statements and computations produced at the Board, that the increase on the victualling contract would, in five years, amount to £.40,000; and that the increase on the bullock contract, in the same period, would amount to above four hundred thousand pounds: that when this, and many other weighty objections against the terms of the said contracts were urged in Council to the said Warren Hastings, he declared, that *he should deliver a reply thereto*; but it does not appear that he did ever deliver such reply, or ever enter into a justification of any part of his conduct in this transaction. That the Act of Parliament of 1773, by which the first Governor General and Council were appointed, did expressly limit the duration of their office to the term of five years, which expired in October,



1779, and that the several contracts, herein before mentioned, were granted in September, 1779, and were made to continue *five* years after the expiration of the government by which they were granted; that by this anticipation, the discretion and judgment of the succeeding government, respecting the subject matter of such contracts, was taken away, and any correction or improvement therein, rendered impracticable.—That the said Warren Hastings might have been justified by the rules and practice, or by the necessity of the public service, in binding the government by engagements to endure one year after the expiration of his own office; but on no principles could he be justified in extending such engagements beyond the term of one year, much less on the principles he has avowed, namely, “that it was only an act of common justice in him to secure *every man connected with him*, as far as he legally could, from the “apprehension of future oppression.”—That the oppression, to which such apprehension, if real, must allude, could only consist in and arise out of the obedience, which he feared a future government might pay to the orders of the Court of Directors, by making all contracts *annual*, and advertising for proposals publicly and indifferently, from all persons whatever, by which it might happen that such beneficial contracts would not be constantly held by men *connected with him*, the said Warren Hastings:—That this declaration made by the said Warren Hastings, combined with all the circumstances belonging to these transactions, leaves no room to doubt, that in disobeying the Company’s orders, and betraying the trust reposed in him as guardian of the Company’s property, his object was to purchase the attachment of a number of individuals, and to form a party capable of supporting and protecting him in return.

That with the same view, and on the same principles, it appears that excessive salaries and emoluments, at the East India Company’s charge and expence, have been lavished by the said Warren Hastings, to sundry individuals, contrary to the general principles of his duty, and in direct contradiction to the positive orders of the Court of Directors: particularly, that whereas by a resolution of the Court of Proprietors of the East India Company, and by an instruction of the Court of Directors, it was provided and expressly ordered, that there should be paid to the late Sir John Clavering “the sum of six thousand pounds sterling per annum, “in full for his services as Commander in Chief, in lieu of travelling charges, and of all other “advantages and emoluments whatever;” and whereas the Court of Directors positively ordered that the late “Sir Eyre Coote should receive the *same* pay, as Commander in Chief of “their forces in India, as was received by Lieutenant General Sir John Clavering;”—the said Warren Hastings, nevertheless, within a very short time after Sir Eyre Coote’s arrival in Bengal, did propose and carry it in Council, that a new establishment should be created for Sir Eyre Coote, by which an increase of expence would be incurred by the India Company to the amount of eighteen thousand pounds a year and upwards, exclusive of and in addition to his salary of ten thousand pounds a year, provided for him by Act of Parliament as a Member of the Supreme Council, and exclusive of and in addition to his salary of six thousand pounds a year as Commander in Chief, appointed for him by the Company, and expressly fixed to that amount.

That the disobedience and breach of trust of which the said Warren Hastings was guilty in this transaction, is highly aggravated by the following circumstances connected with it: That from the death of Sir John Clavering to the arrival of Sir Eyre Coote in Bengal, the provisional command of the army had devolved to, and been vested in, Brigadier General Giles Stibbert, the eldest officer on that establishment; that in this capacity, and, as the said Warren Hastings has declared, “standing no way distinguished from the other officers in the “army, but by his accidental succession to the first place on the list,” he, the said Giles Stibbert, had, by the recommendation and procurement of the said Warren Hastings, received and enjoyed a salary and other allowances to the amount of thirteen thousand eight hundred and fifty-four pounds twelve shillings, per annum.—That Sir Eyre Coote, soon after his arrival, represented to the Board, that a considerable part of those allowances, amounting to eight thousand two hundred and twenty pounds ten shillings, per annum, ought to devolve to himself, as Commander in Chief of the Company’s forces in India; and stating, that the said Giles Stibbert could no longer be considered as Commander in Chief under the Presidency of Fort William, made a formal demand of the same.—That the said Warren Hastings, instead of reducing the allowances of the said Giles Stibbert to the establishment at which they stood during General Clavering’s command, and for the continuance of which, after Sir Eyre Coote’s arrival, there could be no pretence, continued the allowances of thirteen thousand eight hundred and fifty-four pounds twelve shillings, per annum, to the said Giles Stibbert; and, at the same time, in order to appease and satisfy the demand of the said Sir Eyre Coote, did create for him that new establishment, herein before specified, of eighteen thousand pounds per annum; inasmuch, that instead of the allowance of *six thousand pounds a year, in lieu of travelling charges and of all emoluments and allowances whatsoever*, to which the pay and allowances of Commander in Chief were expressly limited by the united act of the legislative and executive powers



powers of the Company, the annual charge to be borne by the Company on that account was encreased by the said Warren Hastings to the enormous sum of thirty-eight thousand two hundred and seventeen pounds ten shillings, sterling.

That on the first of November, 1779, the said Warren Hastings did move and carry it in Council, “ that the Resident at the Vizier’s Court should be furnished with an account of all “ the extra-allowances and charges of the Commander in Chief when in the field, with orders “ to add the same to the debit of the Vizier’s account, as a part of his general subsidy; the “ charge to commence from the day on which the General shall pass the Carumnassa, and to “ continue till his return to the same line.”—That this additional expence, imposed by the said Warren Hastings on the Vizier, was unjust in itself, and a breach of treaty with that Prince, the specific amount of the subsidy to be paid by him, having been fixed by a treaty, to which no addition could justly be made, but at the previous requisition of the Vizier :—That the Court of Directors, in their letter of the 18th of October, 1780, did condemn and prohibit the continuation of the allowances above mentioned to Sir Eyre Coote, in the following words :— “ These allowances appear to us in a light so very extraordinary, and so repugnant to the spirit “ of a resolution of the General Court of Proprietors, respecting the allowance made to Gen. “ Clavering, that we positively direct that they be discontinued immediately, and no part “ thereof paid after the receipt of this letter.”—That on the 27th of April, 1781, the Governor General and Council, in obedience to the orders of the Directors, did signify the same to the Commissary General, as an instruction to him, that the extraordinary allowances to Sir Eyre Coote *should be discontinued, and no part thereof paid after that day* : That it appears, nevertheless, that the said extra allowances (amounting to above twenty thousand pounds sterling a year) were continued to be charged to the Vizier, and paid to Sir Eyre Coote, in defiance of the orders of the Court of Directors; in defiance of the consequent resolution of the Governor General and Council; and in contradiction to the terms of the original motion, made by the said Warren Hastings, for adding those allowances to the debit of the Vizier, viz. “ That “ they should continue till Sir Eyre Coote’s return to the Carumnassa.”—That Sir Eyre Coote arrived at Calcutta about the end of August, 1780, and must have crossed the Carumnassa, in his return from Oude, some weeks before, when the charge on the Vizier, if at any time proper, ought to have ceased :—That it appears that the said allowances were continued to be charged against the Vizier, and paid to Sir Eyre Coote, for three years after; even while he was serving in the Carnatic, and that this was done by the sole authority and private command of the said Warren Hastings.

That the East India Company, having thought proper to create the office of Advocate General in Bengal, and to appoint Sir John Day to that office, it was resolved, by a General Court of Proprietors, that a salary of £.3000 a year should be allowed to the said Sir John Day, *in full consideration of all demands and allowances whatsoever for his services to the Company at the Presidency of Fort William* :—That the said Warren Hastings, nevertheless, shortly after Sir John Day’s arrival in Bengal, did encrease the said Sir John Day’s salary and allowances to six thousand pounds a year, in direct disobedience of the resolution of the Court of Proprietors, and of the order of the Court of Directors :—That the Directors, as soon as they were informed of this proceeding, declared, “ that they held *themselves* bound “ by the resolution of the General Court, and that they could not allow it to be dis- “ regarded by the Company’s servants in India;” and ordered that the encreased allowances should be forthwith discontinued.

That the said Warren Hastings, after having first thought it necessary, in obedience to the orders of the Court of Directors, to stop the extraordinary allowance which he had granted to Sir John Day, did afterwards resolve that the allowance, which had been struck off, should be repaid to him, upon his signing an obligation to refund the amount which he might receive, in case the Directors should confirm their former orders, already twice given :—That in this transaction the said Warren Hastings trifled with the authority of the Company, eluded the repeated orders of the Directors, and exposed the Company to the risk and uncertainty of recovering; at a distant period, and perhaps by a process of law, a sum of money which they had positively ordered him not to pay.

That, in the latter part of the year 1776, by the death of Colonel Monson, the whole power of the Government of Fort William devolved to the Governor and one member of the Council; and that from that time, the Governor General and Council has generally consisted of an even number of persons, in consequence of which the casting voice of the said Warren Hastings has usually prevailed in the decision of all questions :—That about the end of the year 1776, the whole civil establishment of the said Government did not exceed £.205,399 per annum; that in the year 1783, the said civil establishment had been encreased to the enormous annual sum of £.927,945.—That such encrease in the civil establishment could not have taken place, if the said Warren Hastings, who was at the head of the government, with the power annexed to the



casting voice, had not actively promoted the said encrease, which he had power to prevent, and which it was his duty to have prevented : That by such immoderate waste of the property of his employers, and by such scandalous breach of his fidelity to them, it was the intention of the said Warren Hastings to gain and secure the attachment and support of a multitude of individuals, by whose united interest, influence, and intrigues, he hoped to be protected against any future inquiry into his conduct : That it was of itself highly criminal in the said Warren Hastings, to have so wasted the property of the East India Company, and that the purpose to be obtained by such waste, was a great aggravation of that crime. That among the various instances of profusion, by which the civil establishment of Fort William was encreased to the enormous annual sum herein before mentioned, it appears that a Salt office was created, of six Commissioners, whose annual emoluments were as follow : viz.

President, or Comptroller, per Annum	—	—	£. 18,480
1st Member	—	—	13,100
2d D <sup>o</sup>	—	—	11,480
3d D <sup>o</sup>	—	—	13,183
4th D <sup>o</sup>	—	—	6,257
5th D <sup>o</sup>	—	—	10,307
			<hr/>
			£. 72,807

That a Board of Revenue was created by the said Warren Hastings, consisting of five Commissioners, whose annual emoluments were as follow, viz.

1st Member, per Annum	—	—	£. 10,950
2d D <sup>o</sup>	—	—	9,100
3d D <sup>o</sup>	—	—	9,100
4th D <sup>o</sup>	—	—	9,100
5th D <sup>o</sup>	—	—	9,100
			<hr/>
			£. 47,350

That David Anderson, Esq. first Member of the said Board, did not execute the duties, though he received the emoluments of the said office ; having acted, for the greatest part of the time, as Ambassador to Madajee Scindia, with a further salary of 4,280l. a year, making in all 15,230l. a year.

That the said Warren Hastings did create an office of Agent Victualler to the garrison of Fort William ; whose profits, on an average of three years, were 15,970l. per annum :—That this agency was held by the Postmaster General, who, in that capacity, received 2,200l. a year from the Company, and who was actually no higher than a Writer in the service :—That the person who held these lucrative offices, viz. John Belli, was private Secretary to the said Warren Hastings.

That the said Warren Hastings created a nominal office of Resident at Goa, where the Company never had a Resident, nor business of any kind to transact, and gave the said nominal office to a person who was not a covenanted servant of the Company, with an allowance of 4,280l. a year.

That these instances are proofs of a criminal profusion and high breach of trust to the India Company in the said Warren Hastings, under whose government, and by means of whose special power, derived from the effect of his casting voice, all the said waste and profusion did take place.

That at the end of the year, 1780, when, as the Court of Directors affirm, *the Company were in the utmost distress for money, and almost every department in arrear*, and when it appears that there was a great scarcity and urgent want of grain at Fort St. George, the said Warren Hastings did accept of a proposal made to him by James Peter Auriol, then Secretary to the Council, to supply the Presidency of Fort St. George with rice and other articles, and did appoint the said Auriol to be the Agent for supplying *all the other Presidencies* with those articles :—That the said Warren Hastings declared, that the intention of the appointment “ was most likely



“ likely to be fulfilled by a liberal consideration of it,” and therefore allowed the said Auriol a commission of 15 per cent. on the whole of his disbursements; thereby rendering it the direct interest of the said Auriol to make his disbursements as great as possible:—That the chance of capture by the enemy, or danger of the sea, was to be at the risque of the India Company, and not of the said Auriol:—That the said Warren Hastings declared personally to the said Auriol, “ that this post was intended as a reward for his long and faithful services.” That the President and Council of Bombay did remonstrate against what they called *the enormous amount of the charges* of the rice with which they were supplied, which they state to be nine rupees a bag at Calcutta, when they themselves could have contracted for its delivery at Bombay, free of all risque and charges, at five rupees and three sixteenths per bag; and that even at Madras, where the distress and demand was greatest, the supplies of grain by private traders charged to the Company, were nineteen per cent. cheaper than that supplied by the said Auriol, exclusive of the risque of the sea and of capture by the enemy.—That it is stated by the Court of Directors, that the Agent’s commission on a supply of *a single year* (the said commission being not only charged on the prime cost of the rice, but also on the freight and all other charges) would amount to pounds sterling, twenty-six thousand eight hundred and seventy-three, and by the said Auriol himself is admitted to amount to eighteen thousand two hundred and ninety-two pounds.—That William Larkins, the Accomptant General at Fort William, having been ordered to examine the accounts of the said Agent, did report to the Governor General and Council, that he found them to be *correct in the additions and calculations*; and that then the said Larkins adds the following declaration: “ The Agent *being upon honour* with respect to the sums charged in his accounts for the cost of the articles supplied, I did not think myself authorized to require *any voucher* of the sums charged for the demurrage of sloops, either as to the time of detention, or the rate of the charge, or of those for the articles lost in going down the river; and on that ground I thought myself equally bound to admit the sums acknowledged as received for the sales of goods returned, without requiring vouchers of the rates at which they were sold.”—That, in this transaction, the said Warren Hastings has been guilty of a high breach of trust and duty, in the unnecessary expenditure of the Company’s money, and in subjecting the Company to a profusion of expence, at all times wholly unjustifiable, but particularly at the time when that expence was incurred.—That the said Warren Hastings was guilty of breach of orders, as well as breach of trust, in not advertising generally for proposals; in not *contracting* indifferently for the supplies with such merchants as might offer to furnish them on the lowest terms; in giving an enormous commission to an Agent, and that commission not confined to the prime cost of the articles, but to be computed on the whole of his charges; in accepting of the *honour* of the said Agent as a sufficient voucher for the cost of the articles supplied, and for all charges whatever, on which his commission was to be computed; and finally, in giving a lucrative agency for the supply of a distressed and starving province, as a reward to a Secretary of State, whose labours in that capacity ought to have been rewarded by an avowed public salary, and not otherwise.—That, after the first year of the said agency was expired, the said Warren Hastings did agree, that for the future the commission to be drawn by the said Agent should be reduced to five per cent. which the Governor General and Council then declared to be *the customary amount drawn by merchants*; but that even in this reduction of the commission, the said Warren Hastings was guilty of a deception, and did not in fact reduce the commission from fifteen to five per cent. having immediately after resolved that he, the Agent, should be allowed the current interest of Calcutta upon all his drafts on the Treasury from the day of their dates, until they should be completely liquidated: That the legal interest of Money in Bengal is twelve per cent. per annum, and the current interest from eight to ten per cent.

---

( No. 8. )

EXECUTION of NUNCOMAR.—Receipt of Presents, and Disobedience in not answering the Court’s Orders on that Subject.

THAT, before the appointment of the Governor General and Council of Fort William by Act of Parliament, the allowances made by the East India Company to the Presidents of that government were abundantly sufficient; and that the said Presidents in general, and the said Warren Hastings particularly, was restrained by a specific covenant and indenture, which he entered into with the Company, from accepting any gifts, rewards, or gratuities whatsoever,



ever, on any account or pretence whatsoever. That, in the Regulating Act, passed in the year 1773, which appointed the said Warren Hastings, Esquire, Governor General of Fort William in Bengal, a salary of 25,000*l.* a year was established for him, to which the Court of Directors added, “that he should enjoy their principal houses, with the plate and furniture, both in town and country, *rent-free*.” That the same law, which created the office, and provided the salary of the said Warren Hastings, did expressly, and in the clearest and most comprehensive terms that could be devised, prohibit him from receiving any present, gift, or donation; in any manner, or on any account whatsoever; and that the said Warren Hastings perfectly understood the meaning, and acknowledged the binding force of this prohibition, before he accepted of the office to which it was annexed. He knew, and had declared, that *the prohibition was positive and decisive; that it admitted neither of refinement or misconstruction, and that, in his opinion an opposition would be to incur the penalty.*

That, notwithstanding the covenants and engagements above-mentioned, it appears in the recorded proceedings of the Governor General and Council of Fort William, that sundry charges have been brought against the said Warren Hastings for gifts or presents corruptly taken by him, before the promulgation of the Act of 1773 in India, and that these charges were produced at the Council Board, in the presence of the said Warren Hastings.—That, in March, 1775, the late Rajah Nuncomar, a native Hindoo, of the highest cast in his religion, and of the highest rank in society, by the offices which he had held under the country government, did lay before the Council an account of various sums of money paid by him to the said Warren Hastings, amounting to 40,000*l.* and upwards, for offices and employments corruptly disposed of by the said Warren Hastings, and did offer and engage to prove and establish the same by sufficient evidence.—That this account is stated with a minute particularity and precision; the date of each payment, down to that of small sums, is specified; the various coins in which such payments were really made, are distinguished; and the different persons through whose hands the money passed into those of the said Warren Hastings are named.—That such particularity on the part of such a charge, supposing it false, is favourable to the party wrongfully accused, and exposes the accuser to an instant and easy detection; for though, as the said Warren Hastings himself has observed on another occasion, “Papers may be forged, and evidences may appear in numbers, to attest them, yet it must always be an *easy* matter to detect the falsity of any forged paper produced, by examining the witnesses separately, and subjecting them to a subsequent cross examination, in which case, if false, they will not be able to persevere in one regular consistent story.”

Whereas, if no advantage be taken of such particularity in the charge, to detect the falsehood thereof, and if no attempt to disprove it, and no defence whatever be made, a presumption justly and reasonably arises in favour of the truth of such charge.—That the said Warren Hastings, instead of offering any thing in his defence, declared, that *he would not suffer Nuncomar to appear before the Board as his accuser*.—That he attempted to indict his said accuser for a conspiracy, in which he failed; and that the said Raja Nuncomar was soon after, and while his charge against the said Warren Hastings was depending before the Council, indicted upon an English penal statute, which does not extend even to Scotland, before the Supreme Court of Judicature, for an offence said to have been committed several years before, and not capital by the laws of India, and was condemned and executed.—That the evidence of this man, not having been encountered at the time, when it might and ought to have been, by the said Warren Hastings, remains justly in force against him, and is not abated by the capital punishment of the said Nuncomar, but rather confirmed by the time and circumstances in which the accuser of the said Warren Hastings suffered death.—That one of the offices, for which a part of the money above mentioned is stated to have been paid to the said Warren Hastings, was given by him to Munny Begum, the widow of the late Myr Jaffier, Nabob of Bengal, whose son, by another woman, holds that title at present.—That the said Warren Hastings had been instructed by the Court of Directors of the East India Company to appoint “*a Minister to transact the political affairs of the government, and to select for that purpose some person well qualified for the affairs of government, to be the Minister and Guardian of the Nabob’s minority.*”—That, for these offices, and for the execution of the several duties belonging to them, the said Warren Hastings selected and appointed the said Munny Begum, a woman evidently unqualified for, and incapable of such offices, and restrained from acting in such capacities, by her necessary seclusion from the world, and retirement in a seraglio.—That a considerable deficiency or embezzlement appearing in this woman’s account of the young Nabob’s stipend, she voluntarily declared, by a writing under her seal, that she had given 15,000*l.* to the said Warren Hastings for an entertainment; which declaration corresponds with, and confirms that part of the charge produced by Raja Nuncomar, to which it relates.—That neither this, nor any other part of the said charge, has been at any time directly denied or disputed by the said Warren Hastings, though made to his face, and though he was repeatedly accused by his colleagues, who were appointed by parliament at the same time with himself, of peculation of every sort.—That, instead of promoting a strict enquiry into his conduct for the clearance of his



his innocence and honour, he did repeatedly endeavour to elude and stifle all enquiry, by attempting to dissolve the meetings of the Council at which such charges were produced, and by other means, and has not since taken any steps to disprove or refute the same.—That the said Warren Hastings, so long ago as September, 1775, assured the Court of Directors, “ That it was his fixed determination most fully and liberally to explain every circumstance of his conduct on the points on which he had been injuriously arraigned, and to afford them the clearest conviction of his own integrity, and of the propriety of his motives for declining a present defence of it ;” and having never since given to the Court of Directors any explanation whatever, much less the full and liberal explanation he had promised so repeatedly, has thereby abandoned even that late and protracted defence, which he himself must have thought necessary to be made at some time or other ; and which he would be thought to have deferred to a period more suitable and convenient than that in which the facts were recent, and the impression of these, and other charges of the same nature against him, was fresh and unimpaired in the minds of men.

That on the 30th of March, 1775, a Member of the Council produced and laid before the Board a petition from Mir Zein Abul Dheen, (formerly farmer of a district, and who had been in creditable stations) setting forth, that Khan Jehan Khan, then Phoufdar of Houghly, had obtained that office from the said Warren Hastings, with a salary of seventy-two thousand Sicca rupees a year, and that the said *Phoufdar* had given a receipt of bribe to the patron of the city, meaning Warren Hastings, to pay him annually thirty six thousand rupees a year, and also to his Banyan, Cantoo Baboo, four thousand rupees a year, out of the salary above-mentioned.—That by the 35th article of the instructions given to the Governor-General and Council, they are directed “ immediately to cause the strictest enquiry to be made into all oppressions, which might have been committed either against the natives or Europeans, and into all abuses that might have prevailed in the collection of the revenues, or any part of the civil government of the Presidency, and to communicate to the Directors all information which they might be able to obtain relative thereto, or to any dissipation or embezzlement of the Company’s money.”—That the above petition and instruction having been read in Council, it was moved that the petitioner should be ordered to attend the next day to make good his charge.—That the said Warren Hastings declared, “ that it appeared to him to be the purpose of the majority to make him the sole object of their personal attacks.—That they had taken their line, and might pursue it.—That he should have other remarks to make upon this transaction, but as they would be equally applicable to many others, which in the course of this business were likely to be brought before the Board, he should say no more on the subject ;”—and he objected to the motion.—That by the preceding declaration, the said Warren Hastings did admit, that many other charges were likely to be brought against him, and that such charges would be of a similar nature to the first, viz. a corrupt bargaining for the disposal of a great office, since he declared that his remarks on that transaction would be equally applicable to the rest ; and that, by objecting to the motion for the personal attendance of the accuser, he resisted and disobeyed the Company’s instructions ; and did, as far as depended on his power, endeavour to obstruct and prevent all enquiry into the charge.—That in so doing, he failed in his duty to the Company ; he disobeyed their express orders, and did leave the charge against himself without a reply, and even without a denial ; and with that unavoidable presumption against his innocence, which lies against every person accused, who not only refuses to plead, but, as far as his vote goes, endeavours to prevent an examination of the charge, and to stifle all enquiry into the truth of it.—That the motion having been nevertheless carried, the said Warren Hastings did, on the day following, declare, “ that he could not sit to be confronted with such accusers, nor suffer a judicial inquiry into his conduct, at the Board of which he was President ; and declared the meeting of the Board dissolved.”—That the Board continued to sit and examine witnesses, servants of the Phoufdar, on oath and written evidence, being letters under the hand and seal of the Phoufdar, all directly tending to prove the charge ; viz. that out of the salary of seventy-two thousand rupees a year paid by the Company, the said Phoufdar received but thirty-two thousand, and that the remainder was received by the said Warren Hastings and his Banyan.—That the Phoufdar, though repeatedly ordered to attend the Board, did, under various pretences, decline attending, until the 19th of May, when the letters stated to be his, that is, under his hand and seal, being shewn to him, it was proposed by a Member of the Board, that he should be asked, whether he had any objection to swear to the truth of such answers as he might make to the questions proposed by the Board.—That the said Warren Hastings objected to his being put to his oath.—That the question was nevertheless put to him, in consequence of a resolution of the Board.—That he first declined to swear, under pretence that it was a matter of serious consequence to his character to take an oath ; and, when it was finally left to his option, he declared, “ Mean people might swear, but that his character would not allow him ; that he could not swear, and had rather subject himself to a loss.”—That the evidence in support of the charge being on oath, was in this manner left uncontradicted ; that it was admitted by the said Warren Hastings, that neither Mussulmen or Hindoos are forbidden by the precepts of their religion



religion to swear. That it is not true, as the said Warren Hastings asserted, that it was repugnant to the *manners* either of Hindoos or Mussulmen; and that if, under such pretences, the natives were to be exempted from taking an oath, when examined by the Governor and Council, all the enquiries pointed out to them by the Company's instructions might stop or be defeated.—That no valid reason was, or could be assigned, why the said Phoufdar should not be examined on oath; that the charge was not against himself; and that, if any questions had been put to him, tending to make him accuse himself, he might have declined to answer them.—That, if he could have safely sworn to the innocence of the said Warren Hastings, from whom he received his employment, he was bound in gratitude, as well as justice, to the said Warren Hastings, to have consented to be examined on oath.—That not having done so, and having been supported and abetted in his refusal, by the said Warren Hastings himself, whose character and honour were immediately at stake, the whole of the evidence for the truth of the charge remains unanswered, and in full force against the said Warren Hastings, who on this occasion recurred to the declaration he had before made to the Directors, viz. “That he would most fully and “liberally explain every circumstance of his conduct,” but has never since that time given the Directors any explanation whatsoever of his said conduct.—And finally, that when the Court of Directors, in January, 1776, referred the question (concerning the legality of the power assumed, and repeatedly exercised by the said Warren Hastings, of dissolving the Council at his pleasure) to the late Charles Sayer, then Standing Council of the East India Company, the said Charles Sayer declared his opinion in favour of the power; but concerning the use and exercise of it, in the cases stated, did declare his opinion in the following words: “I believe “he, Warren Hastings, is the first Governor that ever dissolved a Council inquiring into his “behaviour, when he was innocent.” Before he could summon three Councils, and dissolve them, he had time fully to consider what would be the result of such conduct, *to convince every body beyond a doubt of his conscious guilt.*

That by a resolution of a majority of the Council, constituting a lawful Act of the Governor General and Council, the said Khân Jehan Khân was dismissed from the office of Phoufdar of Hughly, for a contempt of the authority of the board.—That, within a few weeks after the death of the late Colonel Monson, the number of the Council being then even, and all questions being then determined by the Governor General's casting voice, the said Warren Hastings did move, and carry it in Council, that the said Khân Jehan Khân should be restored to his office;—and that restoration not having been preceded, accompanied, or followed by any explanation or defence whatsoever, or even by a denial of the specific and circumstantial charge of collusion with the said Khân Jehan Khân, has confirmed the truth of the said charge.

That besides the sums charged to have been paid to the said Warren Hastings by the said Nuncomar, and Munny Begum, and Khân Jehan Khân, and besides the sum of 110,000*l.* already mentioned to have been accepted without hesitation by him as a present on the part of the Nabob of Owde and that of his Ministers, the circumstances of which have been particularly reported to the House of Commons, it appears by the confession of the said Warren Hastings, that he has, at different times since the promulgation of the Act of 1773, received various other sums, contrary to the express prohibition of the said act, and his own declared sense of the evident intent and obligation thereof.—That in the month of June 1781, the said Warren Hastings made to the Council, what he called “a very unusual tender, by offering to exonerate the Company “from the expence of a particular measure, and to *take it upon himself*; declaring that he had already “deposited two lacks of rupees (or twenty-three thousand pounds) in the hands of the Company's Sub-Treasurer for that service.” That in a subsequent letter, dated the 29th of November 1780, he informed the Court of Directors, that “this money, by whatever means it “came into their possession, *was not his own*; but he did not then, nor has he at any time since made known to the Court of Directors from whom, or on what account, he received that money, as it was his duty to have done in the first instance; and, notwithstanding the said Directors signified to him their expectation that he should communicate to them “immediate information “of the channel by which this money came into his possession, with a complete illustration of the “cause or causes of so extraordinary an event:”—But, from evidence examined in England, it has been discovered that this money was received by the said Warren Hastings from Cheyt Sing, the Rajah of Benares, who was soon after dispossessed of all his property, and driven from his country and government by the said Warren Hastings.

That notwithstanding the declaration made by the said Warren Hastings, that he had actually deposited the sum above-mentioned in the hands of the Company's Sub-Treasurer for their service, it does not appear, that “any entry whatsoever of that, or any other payment by the “Governor General, was made in the treasury accounts, at or about the time,” nor is there any trace, in the Company's books, of its being actually paid into their treasury.



It appears then, by the confession of the said Warren Hastings, that this money was received by him; but it does not appear that he has converted it to the property and use of the Company.

That in a letter from the said Warren Hastings to the said Court of Directors, dated the 22d of May 1782, but not dispatched, as it might and ought to have been at that time, but detained and kept back by the said Warren Hastings till the 16th of December following, he has confessed the receipt of various other sums, amounting (with that which he accepted from the Nabob of Owde) to nearly 200,000*l.* which sums he affirmed had been converted to the Company's property through his means, but without discovering from whom, or on what account he received the same.—That instead of converting this money to the Company's property, as he affirmed he had done, it appears, that he had lent the greater part of it to the Company upon bonds bearing interest, which bonds were demanded and received by him, and, for aught that yet appears, have never been given up or cancelled.—That for another considerable part of the above mentioned sum he has taken credit to himself, as for a deposit of his own property, and therefore demandable by him out of the Company's treasury, at his discretion.—That all sums so lent or deposited are not alienated from the person who lends or deposits the same, consequently, that the declaration made by the said Warren Hastings, that he had converted the whole of these sums to the Company's property, was not true; nor would such a transfer, if it had really been made, have justified the said Warren Hastings in originally receiving the money; which being, in the first instance, contrary to law, could not be rendered legal by any subsequent disposition or application thereof; much less would it have justified the said Warren Hastings in delaying to make a discovery of these transactions to the Court of Directors, until he had heard of the enquiries then begun, and proceeding in Parliament, in finally making a discovery, such as it is, in terms the most intricate, obscure, and contradictory. That, instead of that full and clear explanation of his conduct, which the Court of Directors demanded, and which the said Warren Hastings was bound to give them, he has contented himself with telling the said Directors, that “if this matter was to be exposed to the view of the public, his reasons for acting as he had done might furnish a variety of conjectures, to which it would be of little use to reply. That he either chose to conceal the first receipts from public curiosity, by receiving bonds for the amount, or possibly acted without any studied design which his memory could at that distance of time verify; and that he *could* have concealed them from their eye, and that of the public, for ever.” That the discovery, as far as it goes, establishes the guilt of the said Warren Hastings, in taking money against law, but does not warrant a conclusion that he has discovered *all* that he may have taken. That, on the contrary, such discovery not being made in proper time, and, when made, being imperfect, perplexed, and wholly unsatisfactory, leads to a just and reasonable presumption, that other facts of the same nature have been concealed, since those which he has confessed might have been for ever; and that this partial confession was either extorted from the said Warren Hastings by the dread of detections, or made with a view of removing suspicion, and preventing any further inquiry into his conduct.

That the said Warren Hastings, in a letter to the Court of Directors, dated 21st of February, 1784, has confessed his having *privately received* another sum of money, the amount of which he has not declared, but which, from the application he says he has made of it, could not be less than thirty-four thousand pounds sterling.—That he has not informed the Directors from whom he received this money, at what time, nor on what account; but, on the contrary, has attempted to justify the receipt of it, which was illegal, by the application of it, which was unauthorized and unwarrantable, and which, if admitted as a reason for receiving money *privately*, would constitute a precedent of the most dangerous nature to the Company's service.—That in attempting to justify the receipt and application of the said money, he has endeavoured to establish principles of conduct in a Governor, which tend to subvert all order and regularity in the conduct of public business, to encourage and facilitate fraud and corruption in all offices of pecuniary trust, and to defeat all enquiry into the misconduct of any person in whom pecuniary trust is reposed.—That the said Warren Hastings, in his letter above mentioned, has made a declaration to the Court of Directors, in the following terms:—“Having had occasion to disburse from my own cash many sums, which though required to enable me to execute the duties of my station, I have hitherto omitted to enter in my public accounts, and my own fortune being unequal to so heavy a charge, I have resolved to reimburse myself in a mode the most suitable to the situation of your affairs, by charging the same in my Durbar accounts of the present year, and crediting them by a sum *privately received*, and appropriated to your service in the same manner with other sums received on account of the Honourable Company, and already carried to their account.”—That, at the time of writing this letter, the said Warren Hastings had been in possession of the government of Fort William about twelve years, with a clear salary, or avowed emoluments, at no time less than twenty-five thousand pounds sterling a year, exclusive of which all the principal expences of his residence were paid for by the Company.—That if the services mentioned by him were required



required to enable him to execute the duties of his station, he ought not to have omitted to enter them in his public accounts, at the times when the expences were incurred. That if it was true, as he affirms, that when he first engaged in those expences he had no intention to carry them to the account of the Company, there was no subsequent change in his situation which could justify his departing from that intention.—That if his own fortune, in the year 1784, was unequal to so heavy a charge, the state of his fortune, at an earlier period, must have been still more unequal to so heavy a charge.—That the fact so asserted by the said Warren Hastings leads directly to an inference palpably false and absurd, viz. That the longer a Governor General holds that lucrative office, the poorer he must become.—That neither would the assertion, if it were true, nor the inference, if it were admitted, justify the conduct avowed by the said Warren Hastings, in resolving to reimburse himself out of the Company's property, without their consent or knowledge.—That the account transmitted in this letter is styled by himself *an aggregate of a contingent account of twelve years*.—That all contingent accounts should be submitted to those who ought to have an official controul over them, at annual or other shorter periods, in order that the expence already incurred may be checked and examined, and similar expences, if disapproved of, may be prohibited in time; that, after a very long period is elapsed, all check and controul over such expences is impracticable; and, if it were practicable in the present instance, would be completely useless, since the said Warren Hastings, without waiting for the consent of the Directors, did *resolve to reimburse himself*.—That the conduct of the said Warren Hastings, in withholding these accounts for twelve years together, and then resolving to reimburse himself without the consent of his employers, has been fraudulent in the first instance, and in the second amounts to a denial and mockery of the authority placed over him by law; and that he has thereby set a dangerous example to his successors, and to every man in trust or office under him.—That the mode in which he has reimbursed himself, is a crime of a much higher order, and greatly aggravates whatever was already criminal in the other parts of this transaction. That the said Warren Hastings, in declaring that he should reimburse himself, by crediting the Company by a *sum privately received*, has acknowledged himself guilty of an illegal act, in receiving money *privately*.—That he has suppressed or withheld every particular which could throw any light on a conduct so suspicious in a Governor, as the *private receipt of money*.—That the general confession of the private receipt of a large sum in gross, in which no circumstance of time, place, occasion, or person, nor even the amount is specified, tends to cover or protect any act of the same nature (as far as a general confession can protect such acts) which may be detected hereafter, and which in fact may not make part of the gross sum so confessed, and that it tends to perplex and defeat all enquiry into such practices. That the said Warren Hastings, in stating to the Directors that he has resolved to reimburse himself in a *mode the most suitable to the situation of their affairs*, viz. by receiving money privately against law, has stated a presumption highly injurious to the integrity of the said Directors; viz. that they will not object to, or even enquire into any extraordinary expences, incurred and charged by their Governors in India, provided such expences are reimbursed by money privately and illegally received. That he has not explained what that situation of their affairs was or could be, to which so dangerous and corrupt a principle was or might be applied. That no evidence has been produced to prove that it was true, nor any ground of argument stated to shew that it might be credible, that any native of India had voluntarily and gratuitously given money privately to the said Warren Hastings, that is, without some prospect of a benefit in return, or some dread of his resentment, if he refused. That it is not a thing to be believed, that any native would give large sums privately to a Governor, which he refused to give or lend publicly to Government, unless it were to derive some adequate secret advantage from the favour, or to avoid some mischief from the enmity of such Governor. That the late confessions made by the said Warren Hastings, of money received against law, are no proof that he did not originally intend to appropriate the same to his own use, such confessions having been made at a suspicious moment, when, and not before, he was apprized of the inquiries commenced in the House of Commons, and when a dread of the consequence of those inquiries might act upon his mind; that such confessions, from the obscure, intricate, and contradictory manner in which they are made, imply guilt in the said Warren Hastings, as far as they go; that they do not furnish any colour of reason to conclude that he has confessed all the money which he may have corruptly received; but that, on the contrary, they warrant a just and reasonable presumption, that in discovering some part of the bribes he had received, he hoped to lull suspicion, and thereby secure and conceal the rest.

That the Court of Directors, when the former accounts of these transactions came before them, did shew an evident disposition not to censure the said Warren Hastings, but to give the most favourable construction to his conduct; that nevertheless they found themselves obliged “to confess, that the statement of those transactions appeared to them in many parts *so unintelligible*, that they felt themselves under the necessity of calling on the Governor General “for an explanation, agreeably to his promise voluntarily made to them.”

That



That their letter, containing this requisition, was received in Bengal, in the month of August, 1784. and that the said Warren Hastings did not embark for England until the 2d of February, 1785 but made no reply to that letter before his departure, owing, as he has since said, *to a variety of other more important occupations.* That, under pretence of such occupations, he neglected to transmit to the Court of Directors a copy of a paper, which, he says, contained the *only* account he ever kept of the transaction. That such a paper, or a copy of it, might have been transmitted, without interrupting other important occupations, if any could be more important than that of giving a clear and satisfactory answer to the requisition of the Directors. That, since his arrival in England, he has written a letter to the Chairman of that court, professedly in answer to their letter above-mentioned, but in fact giving no explanation or satisfaction whatsoever on the points which they had declared to be unintelligible. That the terms of his letter are ambiguous and obscure, such as a guilty man might have recourse to, in order to cover his guilt, but such as no innocent man, from whom nothing was required but to clear his innocence, by giving plain answers to plain questions, could possibly have made use of. That in his letter of the 11th of July, 1785, he says, “ That he has been kindly apprized, that the information required as above *was yet expected from him*: That the submission, which his respect would have enjoined him to pay to the command imposed on him *was lost to his recollection*, perhaps, from the stronger impression, which the first and distant perusal of it had left on his mind, that it was rather intended as a reprehension for something which had given offence in his report of the original transaction, than as expressive of any want of a further elucidation of it.”

That the said Warren Hastings, in affecting to doubt whether the information expressly required of him by his employers, was expected or not, has endeavoured to justify a criminal delay and evasion in giving it. That, considering the importance of the subject, and the recent date of the command, it is not possible *that it could be lost to his recollection*; much less is it possible that he could have understood the specific demand of an answer to specific questions to be intended only as a reprehension for a former offence; viz. the offence of withholding from the Directors that very explanation which he ought to have given in the first instance. That the said Warren Hastings, in his answer to the said questions, cautiously avoids affirming or denying any thing, in clear positive terms, and professes to recollect nothing with absolute certainty. That he has not, even now, informed the Directors of the name of any one person from whom any part of the money in question was received, nor what was the motive of any one person for giving the same. That he has, indeed, declared that his motive for lending to the Company, or depositing in their treasury, in his own name, money which he has, in other places, declared to be their property, was to avoid ostentation, and that *lending the money was the least liable to reflection*; yet, when he has stated these and other conjectural motives for his own conduct, he declares *he will not affirm, though he is firmly persuaded, that those were his sentiments on the occasion.* That of one thing only the said Warren Hastings declares he is *certain*; viz. “ That it was his design originally to have *concealed* the receipt of all the sums, except the second, even from the knowledge of the Court of Directors; but that when fortune threw a sum in his way of a magnitude *which could not be concealed*, and the peculiar delicacy of his situation, at the time in which he received it, made him more circumspect of appearances, he *chose* to apprise his employers of it.” That the said Warren Hastings informs the Directors that he had indorsed the bonds taken by him for money belonging to the Company, and lent by him to the Company, *in order to guard against their becoming a claim on the Company, as part of his estate in the event of his death*; but he has not affirmed, nor does it any where appear, that he has surrendered the said bonds, as he ought to have done. That the said Warren Hastings, in affirming that he had not time to answer the questions put to him by the Directors, while he was in Bengal—in not bringing with him to England the documents necessary to enable him to answer those questions, or in pretending that he has not brought them—in referring the Directors back again to Bengal for those documents, and for any further information on a subject on which he has given them no information, and particularly in referring them back to a person in Bengal for a paper, which he says contained the *only* account he ever kept of the transaction, while he himself professes to doubt whether that paper *be still in being*, whether *it be in the hands* of that person, or whether that person *can recollect any thing distinctly concerning it*—has been guilty of gross evasions, and of palpable prevarication and deceit, as well as of contumacy and disobedience to the lawful orders of the Court of Directors; and thereby confirmed all the former evidence of his having constantly used the influence of his station for the most scandalous, illegal, and corrupt purposes.



(No. 9)

Not resigning to CLAVERING, in 1777, and holding COUNCILS  
without summoning all the MEMBERS.

**T**HAT Warren Hastings having, by his agent Lauchlin Maclean, Esquire, on the 10th day of October, in the year 1776, “signified to the Court of Directors his desire to resign his office of Governor General of Bengal, and requested their nomination of a Successor to the vacancy which would be thereby occasioned in the Supreme Council,” the Court of Directors did thereupon desire the said Lauchlin Maclean “to inform them of the authority under which he acted in a point of such very great importance;” and the said Lauchlin Maclean signifying thereupon his readiness to give the Court every possible satisfaction on that subject, but the powers with which he was entrusted by the papers in his custody being mixed with other matters of a nature extremely confidential, he would submit the same to the inspection of any three of the Members of the Court,” the said Court of Directors empowered the Chairman, Deputy Chairman, and Richard Beecher, Esq; to inspect the authorities, powers, and directions with which Mr. Maclean was furnished by Mr. Hastings, to make the propositions contained in his letter of the 10th of October, 1776, and to report their opinion thereon. And the said Committee did accordingly, on the 23d of the said month, report, “That, having conferred with Mr. Maclean on the subject of his letter presented to the Court the 11th instant, they found that, from the purport of Mr. Hastings’s instructions, contained in a paper in his own hand writing given to Mr. Maclean, and produced by him to them, Mr. Hastings declared he would not continue in the Government of Bengal, unless certain conditions, therein specified, could be obtained, of which they saw no probability; and Mr. George Vansittart had declared to them, that he was present when these instructions were given to Mr. Maclean, and when Mr. Hastings empowered Mr. Maclean to declare his resignation to the said Court: That Mr. Stewart had likewise confirmed to them, that Mr. Hastings declared to him, that he had given directions to the above purpose by Mr. Maclean.”

And the Court of Directors, having received from the said report due satisfaction respecting the authority vested in the said Lauchlin Maclean, to propose the said resignation of the office of Governor General of Bengal, did unanimously resolve to accept the same; and did also, under powers vested in the said Court by the Act of the 13th year of his present Majesty, “nominate and appoint Edward Wheler, Esq; to succeed to the office in the Council of Fort William in Bengal, which will become vacant by the said resignation, if such nomination shall be approved by his Majesty:” which nomination and appointment was afterwards, in due form, approved and confirmed by his Majesty.

That the Court of Directors did, by a postscript to their general letter, dated 25th October, 1776, acquaint the Governor General and Council at Calcutta, of their acceptance of the said resignation, of their appointment of Edward Wheler, Esq; to fill the said vacancy, and of his Majesty’s approbation of the said appointment, together with the grounds of their said proceedings: and did transmit to the said Governor General and Council copies of the said instruments of appointment and confirmation.

That the said dispatches from the Court of Directors were received at Calcutta, and were read in Council on the 19th day of June, in the year 1777; and that Warren Hastings, Esq; having taken no steps to yield the Government to his Successor, General Clavering, and having observed a profound silence on the subject of the said dispatches, he, the said General Clavering did, on the next day, being the 20th of June, by a letter addressed to the said Warren Hastings, require him to surrender the keys of Fort William and of the Company’s treasuries: But the said Warren Hastings did positively refuse to comply with the said requisition, “denying that his office was vacated, and declaring his resolution to assert and maintain his authority by every legal means.”

That the said General Clavering, conceiving that the office of Governor General was vacated, by the arrival of the said dispatches, which acquainted the Council General of the resignation of the said Warren Hastings, and the appointment of the said Edward Wheler, Esquire, and

-that



that he, the said General Clavering, had, in consequence thereof, legally succeeded, under the provisions of the Act of the 13th year of his present Majesty's reign, to the said office of Governor General, become vacant in the manner aforesaid, did, in virtue thereof, issue, in his own name, summonses to Richard Barwell, Esquire, and Philip Francis, Esquire, Members of the Council, to attend the same; and in the presence of the said Philip Francis, Esquire, who obeyed the said summons, did take the oaths as Governor General, and did sit and preside in Council as Governor General, and prepared several Acts and Resolutions in the said capacity of Governor General; and did, amongst other things, prepare a Proclamation to be made of his said succession to the government, and of its commencing from the date of the said Proclamation; but did not carry any of the Acts or Resolutions so prepared into execution.

That the said Warren Hastings did, notwithstanding thereof, and in pursuance of his resolution to assert and maintain his authority, illegally and unjustifiably summon the Council to meet in another department, and did sit and preside therein, apart from the said General Clavering and his Council; and in conjunction with Richard Barwell, Esquire, who concurred therein, issued sundry orders, and did sundry acts of Government belonging to the office of Governor General; and, amongst others, did order several letters to be written in the name of the Governor General and Council, and did subscribe the same, to the Commandant of the garrison of Fort William, and to the Commanding Officer at Barrackpore, and to the commanding officers at the other stations, and also to the Provincial Councils and Collectors in the Provinces, enjoining them severally "to obey no orders, excepting such as should be signed by the said Warren Hastings, or a majority of his Council."

That the said Warren Hastings did by the said proceedings, which were contrary both to law and to good faith, constitute a double Government, thereby destroying and annihilating all Government whatever; and, by his said orders to the military officers, did prepare for open resistance by arms, exposing thereby the Settlement and all the inhabitants, subjects of or dependent on the British Government, whether native or European, not only to political distractions, but to the horrors of civil war; and did, by exposing the divisions and weakness of the Supreme Government, and thereby loosening the obedience of the Provinces, shake the whole foundation of British authority, and imminently endanger the existence of the British nation in India.

That the said evils were averted only by the moderation of the said General Clavering, and Philip Francis, Esq. in consenting to a reference, and submitting to the decision of the Judges of the supreme Court of Judicature, although they entertained no doubts themselves on the legality of their proceedings, and the validity of General Clavering's instant right to the chair; and although they were not in any way bound by law to consult the said judges, who had no legal or judicial authority therein, in virtue of their offices, or as a Court of Justice, but were consulted, and interposed their advice, only as individuals, by the voluntary reference of the parties in the said dispute. And the said Warren Hastings, by his declaration, entered in minutes of Council, "that it was his determination to abide by the opinion of the Judges," and by the measures he had previously taken as aforesaid, to enforce the same by arms, did risque all the dangerous consequences above mentioned; which must have taken place, if the said General Clavering and Philip Francis, Esq. had not been more tender of the public interests, and less tenacious of their own rights, and had persisted in their claim, as they were by law entitled to do, the extrajudicial interposition of the Judges notwithstanding; and from which claim they receded only from their desire to preserve the peace of the Settlement, and to prevent the mischiefs which the illegal resistance of the said Warren Hastings would otherwise infallibly have occasioned.

That after the said Judges had delivered their opinion, "That the place and office of Governor General of this Presidency had not yet been vacated by Warren Hastings, and that the actual assumption of the Government by the Member of the Council next in succession to Mr. Hastings, in consequence of any deduction which could be made from the papers communicated to them, would be absolutely illegal;" and after the said General Clavering and Philip Francis, Esq. had signified to the said Warren Hastings, by a letter dated the 21st of June, "their intention to acquiesce in the said opinion of the Judges;" and when the differences in the Supreme Council were by these means composed, and the calamities consequent thereon were avoided; the said Warren Hastings and Richard Barwell, Esq. did once more endanger the public peace and security by other illegal, unwarrantable, and unprovoked acts of violence; having omitted to summon either the said General Clavering, or the said Philip Francis, Esq. to Council; and having, in a Council held thus privately and clandestinely, and contrary to law, on the 22d day of June, come to the following resolutions, viz.

"Resolved, That by the said acts, orders, and declarations of Lieutenant General John Clavering, recited in the foregoing papers [meaning the proceedings of General Clavering in his  
separate



separate Council on the 20th of June] he has actually usurped and assumed, and taken possession of, the place and office of Governor General of the Presidency of Fort William in Bengal, granted by the Act of the 13th of his present Majesty to Warren Hastings, Esq.

“ Resolved, That Lieutenant General John Clavering has thereby relinquished, resigned, surrendered, and vacated, the Office of Senior Counsellor of Fort William in Bengal.

“ Resolved, That Lieutenant General John Clavering has thereby relinquished, resigned, surrendered, and vacated, his place of Commander in Chief of the Company's forces in India.

“ Resolved, That Richard Barwell, Esq. by virtue of the said Act of Parliament, and by the death of the Honourable George Monson, Esq. is promoted to the office of Senior Counsellor of the Presidency of Fort William in Bengal, in consequence of the said relinquishment, resignation, surrender, and vacation of General Clavering.

“ Resolved, That the office of Commander in Chief of the Company's forces in India, by the relinquishment, resignation, surrender, and vacation of General Clavering, and by the death of the Honourable George Monson, Esq. does no longer exist.

“ Resolved, That, for the preservation of the legality of our proceedings, Lieutenant General John Clavering be not in future summoned or admitted as a Member of the Governor General and Council.”

And the said Warren Hastings and Richard Barwell, Esq. did again sit in Council on the next day, being the 23d of June, without summoning either General Clavering, or Philip Francis, Esquire; and did come to several other resolutions, and make several orders, contrary to law or justice, and inconsistent with the tranquillity and the security of the settlement; that is to say, they ordered their Secretary “ to notify to General Clavering that the Board “ had declared his offices of Senior Counsellor and Commander in Chief to be vacant; and to “ furnish him with a copy of these proceedings, containing the grounds of the Board for the “ aforesaid declaration.”

And they ordered extracts of the said proceedings “ to be issued in general orders, with letters “ to all the Provincial Councils and Military Stations, directing them to publish the same in “ general orders :” And they resolved, “ That all military returns be made to the Governor “ General and Council, in their military department, until a Commander in Chief shall be “ appointed by the Company.”

That on the day following, that is to say, on the 24th of June, the said Warren Hastings did again omit to summon General Clavering to Council, and did again, together with Richard Barwell, Esquire, who concurred therein, adhere to and confirm the said illegal resolutions come to on the two former days, declaring “ that they could not be retracted but by the present “ authority of the law, or by future orders from home;” and aggravating the guilt of the said unjustifiable acts, by declaring, as the said Warren Hastings did, “ that they were not the pre- “ cipitate effects of an instant and passionate impulse, but the fruits of long and most temperate “ deliberations, of inevitable necessity, of the strictest sense of public duty, and of a conviction “ equal in its impression on his mind to absolute certainty.”

That the said Warren Hastings was the less excusable in this obstinate adherence to his former unjust proceedings, as the said declarations were made in answer to a motion made by Philip Francis, Esquire, for the reversal of the said proceedings, and to a minute introducing the said motion; in which Mr. Francis set forth, in a clear and forcible manner, and in terms with which the Court of Directors have since declared their entire concurrence, both the extreme danger and the illegality and invalidity of the said proceedings of Warren Hastings and Richard Barwell, Esq. concluding the said minute by the following conciliatory declaration: “ And, that “ this salutary motion may not be impeded by any idea or suspicion that General Clavering may “ do any act inconsistent with the acquiescence which both he and I have avowed in the decision “ of the Judges, I will undertake to answer for him in this respect; or that, if he should depart “ from the true spirit and meaning of that acquiescence, I will not be a party with him in such “ proceedings.”

That the said Warren Hastings could not plead ignorance of the law in excuse for the said illegal acts, as it appears, from the proceedings of the four preceding days, that he was well acquainted with the ~~tenure~~ by which the Members of the Council held their offices under the Act of the 13th of his present Majesty, and had stated the same as a ground for retaining his  
own



own office, contrary to an express declaration of the Court of Directors, and an instrument under the sign manual of his Majesty: and the Judges of the Supreme Court, in their reasons for their decision in his favour, had stated the provisions in the said Act, so far as they related to the matter in dispute; from which it appeared, that there were but four grounds on which the office of any Member of the Council could be vacated; namely, death, removal, resignation, or promotion. And as the Act confined the power of removal to "his Majesty, his heirs and successors, upon representation made by the Court of Directors of the said United Company for the time being;" and conferred no such power on the Governor General, or a majority of the Council, to remove, on any ground, or for any cause whatever, one of their colleagues; so, granting the claim of General Clavering to the Chair, and his Acts done in furtherance thereof, to have been illegal and criminal in whatever degree, yet it did not furnish to the rest of the Council any ground to remove him from his office of Counsellor, under the provisions of the said Act; and there could therefore remain only his *resignation*, or *promotion*, as a possible means of vacating his said office. But with regard to the promotion of General Clavering to the office of Governor General, although he claimed it himself, yet, as Mr. Hastings did not admit it, and as in fact it was even receded from by General Clavering, it could not be considered, at least by Mr. Hastings, as a valid ground for vacating his office of Senior Counsellor, since the Act requires for that purpose, not a rejected claim, but an actual and effectual promotion; and General Clavering's office of Counsellor could no more be vacated by such a naked claim, unsupported and disallowed, than the seat of a Member of the House of Commons could be vacated, and a new writ issued to supply the vacancy, by his claim to the office of Steward of the Chiltern Hundreds, when his Majesty has refused to appoint him to the said office. And with regard to resignation, although the said Warren Hastings, as a colour to his illegal resolutions, had affectedly introduced the word "Resigned," amongst those of "relinquished, surrendered, and vacated," yet he well knew that General Clavering had made no offer nor declaration of his resignation of his offices of Senior Counsellor and Commander in Chief; and that he did not claim the office of Governor General on the ground of any such resignation made by himself, but on the ground of a resignation made by the said Warren Hastings; which resignation the said Warren Hastings did not admit; and the use of the term *resigned*, on that occasion, was therefore a manifest and wilful misconstruction and misapplication of the words of the Act of his present Majesty. And such misinterpretation and false extension of the term of resignation was the more indecent in the said Warren Hastings, as he was at the same moment disavowing and refusing to give effect to his own clear and express resignation, according to the true intent and meaning of the word, as used in the said Act, made by his Agent, duly authorized and instructed by himself so to do, to an authority competent to receive and accept the same.

That although the said Warren Hastings did afterwards recede from the said illegal measures, in compliance with the opinion and advice of the Judges again interposed, and did thereby avoid the guilt of such further acts, and the blame of such further evils, as must have been consequent on a persistance therein; yet he was, nevertheless, still guilty of the illegal acts above described, and the same are great crimes and misdemeanors.

That, although the Judges did decide that the office of Governor General, held by the said Warren Hastings, was not *ipso facto*, and *instante*, vacated by the arrival of the said dispatches and documents, transmitted by the Court of Directors; and did consider the said consequences of the resignation as awaiting some future act or event for its complete and effectual operation; yet the said Judges did not declare any opinion on the ultimate invalidity of the said acts of Lauchlin Maclean, Esq. as not being binding on his principal, Warren Hastings, Esq. nor did they declare any opinion, that the obligation of the said resignation was not from the beginning conclusive and effectual, although its operation was, from the necessity of the case, on account of the distance between England and India, to take place only in future; or that the said resignation made by Lauchlin Maclean, Esq. was only an offer or proposal of a resignation to be made at some future and indefinite period, or a mere intimation of the desire of Warren Hastings, Esq. to resign at some future and indefinite period, and that the said resignation, notwithstanding the acceptance thereof by the Court of Directors, and the regular appointment and confirmation of a successor, was still to remain optional in the said Warren Hastings, to be ratified or departed from at his future choice or pleasure: Nor did the said Judges pronounce, nor do any of their reasonings which accompanied their decision tend to establish it as their opinion, that even the time for ratifying and completing the said transaction was to be at the sole discretion of the said Warren Hastings; but they only delivered their opinion, as aforesaid, that his said office "has not yet been vacated, and (therefore) that the *actual* assumption of the Government by the "Member of the Council next in succession was (in the actual circumstances, and *rebus sic stantibus*) illegal."



That the said Warren Hastings does no where himself contend, that the said resignation was not absolute, but optional, according to the true meaning and understanding of the parties in England, and so far as the acts of Lauchlin Maclean, Esq. and the Court of Directors, were binding on him; but, on the contrary, he grounds his refusal to complete the same, not on any interpretation of the words in which the said resignation, and the other instruments aforesaid, were conceived, but rather on a disavowal (not direct indeed, but implied) of his said agent, and of the powers under which the said agent had claimed to act in his behalf. Neither did the said Warren Hastings ground his said refusal on any objection to the particular day, or period, or circumstances, in which the requisition of General Clavering was made; nor accompany the said refusal with any qualification in that respect, or with any intimation that he would, at any future or more convenient season, comply with the same: although such an intimation might probably have induced General Clavering to wave an instant and immediate claim to the Chair, and might, therefore, have prevented the distractions which happened, and the greater evils which impended, in consequence of the said claim of General Clavering, and the said refusal of Warren Hastings, Esq. But the said Warren Hastings did, on the contrary, express his said refusal in such general and unqualified terms, as intimated an intention to resist absolutely and altogether, both then and at any future time, the said requisition of General Clavering. And the subsequent proceedings of the said Warren Hastings do all concur in proving that such was his intention; for he did afterwards, in conformity to the advice of the Judges, move a resolution in Council, "That all parties be placed in the same situation in which they stood before the receipt of the last advices from England; reserving and submitting to a decision in England, the respective claims that each party may conceive they have a right to make, but not acting upon those claims till such decision shall arrive in Bengal;" thereby clearly and explicitly declaring, that it was not his intention to surrender the Government until such decision should arrive in Bengal, which could not be expected in less time than a year and an half after the date of the said resolution; and thereby clearly and explicitly declaring, that he did not consider his resignation as binding for the present. And the said intention was manifested, if possible, still more directly and expressly, in a letter written by the said Warren Hastings to the Court of Directors, dated the 15th of August 1777, being almost two months after the receipt of the said dispatches; in which the said Warren Hastings declares, that "he did not hold himself bound by the notification made by Mr. Maclean, nor by any of the acts consequent of it."

That, such appearing to have been the intention of the said Warren Hastings, General Clavering was justified in immediately assuming the Government, without waiting for any future act of the said Warren Hastings, for the actual surrender of the said Government, none such being likely to happen; and Philip Francis, Esq; was justified in supporting General Clavering in the same, on the soundest principles of justice, and on a maxim received in Courts of Equity, namely, That no one shall avail himself of his own wrong; and that, if any one refuse or neglect to perform that which he is bound to do, the rights of others shall not be prejudiced thereby, but such acts shall be deemed and reputed to have been actually performed, and all the consequences shall be enforced, which would have followed from such actual performance. And therefore the Resolutions moved and voted in Council by the said Warren Hastings, declaring the offices of General Clavering to be vacant, were not only illegal, in as much as the said Warren Hastings had no authority to warrant such a declaration, even on the supposition of the acts of General Clavering being contrary to law; but the said resolutions were further highly culpable and criminal, in as much as the said acts done by General Clavering, which were made the pretence of that proceeding, were strictly regular and legal.

That the refusal of the said Warren Hastings to ratify the said resignation, and his disavowal of the said Lauchlin Maclean, his Agent, is not justified by any thing contained in his said letter to the Court of Directors, dated on the 15th of August, 1777; the said Warren Hastings no where directly and positively asserting that the said Lauchlin Maclean was not his Agent, and had not both full and general powers, and even particular instructions, for this very act; although the said Warren Hastings uses many indirect and circuitous, but insufficient and inapplicable, insinuations to that effect. And the said letter does on the contrary contain a clear and express avowal that the said Lauchlin Maclean was his confidential Agent, and that in that capacity he acted throughout, and particularly in this special matter, with zeal and fidelity. And the said letter does further admit in effect the instructions produced by the said Lauchlin Maclean, Esq; confirmed by Mr. Vansittart and Mr. Stewart, and relied on, and confided in by the Court of Directors, by which the said Lauchlin Maclean appeared to be specially empowered to declare the said resignation; the words of the said instruction being as follow: "That he (Mr. Hastings) will not continue in the Government of Bengal, unless certain conditions therein specified can be obtained" And the words of the said letter being as follow: "What I myself know with certainty, or can recollect at this distance of time, concerning the



“ the powers and instructions which were given to Messieurs Maclean and Graham, when they undertook to be my Agents in England, I will circumstantially relate.

“ I am in possession of two papers which were presented to those Gentlemen at the time of their departure from Bengal; one of which comprizes four short propositions, *which I required as the conditions of my being confirmed in this Government.*”

And although the said Warren Hastings does here artfully somewhat change the words of his written instructions (and which, having in his possession, he might as easily have given verbatim) to other words which may appear less explicit, yet they are in fact capable of only the same meaning; for as, at the time of giving the said instructions to his Agents, he was in full possession of his office, he could want no confirmation therein, except *his own*; and, in such circumstances, “ to require certain things, *as the condition of his being confirmed in his Government,*” is tantamount to a declaration, “ *that he will not continue in his Government, unless those conditions can be obtained.*” And the said attempt at prevarication can serve its author the less, as either both sentences have one and the same meaning; or, if their meaning be different, the original instructions in his own hand writing, or in other words, the thing itself, must be preferred as evidence of its contents, to a loose statement of its purport, founded perhaps on a loose recollection of it at a great distance of time.

That the said refusal of Warren Hastings, Esq; was a breach of faith with the Court of Directors, and his Majesty’s Ministers in England; as the said resignation was not merely a voluntary offer, without any consideration, and therefore subject to be recalled or retracted at the pleasure of the said Warren Hastings, but ought rather to be considered as having been the result of a negotiation carried on between Mr. Maclean, for the benefit of Warren Hastings, Esq; on the one hand, and by the Court of Directors, for the interests of the Company, on the other: which view of the transaction will appear the more probable, when it is considered that, at the time of the said resignation, a strict enquiry had been carrying on, by the Court of Directors, into the conduct of the said Warren Hastings; and the Solicitor and Counsel to the Company, and other eminent Counsel, had given it as their opinions, on cases stated to them, that there were grounds for suing the said Warren Hastings, in the courts of law and equity, and that the Company would be entitled to recover in the said suits against Warren Hastings, Esq. several very large sums of money, taken by him in his office of Governor General, contrary to law, and in breach of his covenants, and of his duty to the Company and the public; and the Court of Directors had also come to various severe resolutions of censure against the said Warren Hastings, and amongst others to a resolution to recall the said Warren Hastings, and remove him from his office of Governor General, to answer for sundry great crimes and delinquencies by him committed in his said office.

And on these accounts it appears probable, that the said resignation was tendered and accepted, as a consideration for some beneficial concessions made in consequence thereof to the said Warren Hastings, in his said dangerous and desperate condition.

And the said refusal was also an act of great disrespect to the Court of Directors, and to his Majesty; and, by rendering abortive their said measures solemnly and deliberately taken, and ratified and confirmed by his Majesty; tended to bring the authority of the Court of Directors, and of his Majesty, into contempt.

And the said refusal was an injury to General Clavering.

And was also, or might have been, a great injury to Edward Wheler, Esquire.

And was an act of signal treachery to Lauchlin Maclean, Esq. as also to Mr. Vansittart and Mr. Stewart, whose honours and veracity were thereby brought into question, doubt, and suspicion.

And the said refusal was prejudicial to the affairs of the servants of the Company in India, by shaking the confidence to be placed in their agents by those persons, with whom it might be for their interests to negotiate on any matter of importance, and by thus subjecting the communication of persons abroad with those at home to difficulties not known before.



(No. 10.)

## Contract with Surgeon-General in Bengal, in 1777.

**T**HAT the said Warren Hastings, in the year 1777, did grant to the Surgeon General a Contract for three years, for defraying every kind of Hospital and Medicinal Expence—not only in breach of the general orders of the Court of Directors with respect to the duration of contracts, but in direct opposition to a particular order of the Court of Directors, of the 30th of March, 1774, when they directed, “ that the Surgeon should not be permitted to enjoy any “ emolument arising from his being concerned in dieting the patients; and that the occupations “ of Surgeon and Contractor should be forthwith separated.” That the said Contract was in itself highly improper, and inconsistent with the good of the service; as it afforded the greatest temptation to abuse, and established a pecuniary interest in the Surgeon General, contrary to the duties of his station and profession.

(No. 11.)

## Contract for Repairs of Poolbundy in Burdwan.

**T**HAT the Governor General and Council at Fort William did, on the motion and recommendation of Warren Hastings, Esquire, enter into a contract with Archibald Frazer, Esquire, on the 16th of April, 1778, for the repairs of the pools and banks in the province of Burdwan, for two years, at the rate of 120,000 Sicca rupees for the first year, and 80,000 rupees for the second year.

That on the 19th of December, 1778, the said Warren Hastings did further persuade the Supreme Council to prolong the term of the above contract with Archibald Frazer for the space of three years more, on the same conditions; namely, the payment of 80,000 Sicca rupees for each year. To which was added a permission to Mr. Frazer to make *dobunds*, or special repairs, whenever he should judge them necessary, at the charge of government.

That the said contracts, both in the manner of their acceptance by the Supreme Council, without having previously advertised for proposals, and in the extent of their duration, were made in direct violation of the special orders of the Court of Directors.

That so far from any advantage having been obtained for the Company in the terms of these contracts, in consideration of the length of time for which they were to continue, the expence of government upon this article was encreased by these engagements to a very great amount.

That it appears that this contract had been held for some years before by the Rajah of Burdwan, at the rate of 25,000 rupees per annum.

That the Superintendant of Poolbundy repairs, after an accurate and diligent survey of the bunds and pools, and the Provincial Council of Burdwan, upon the best information they could procure, had delivered it as their opinion to the Governor General and Council, before the said agreement was entered into, That after the heavy expence (stated in Mr. Kinlock's estimate, viz. 119,405 Sicca rupees) if disbursed as they recommended, the charge in future seasons would be greatly reduced, *and after one thorough and effectual repair, they conceived a small annual expence would be sufficient to keep the bunds up, and prevent their going to decay.*

That



That whatever extraordinary and unusual damages the pools and bunds might have sustained, either from the neglect of the Rajah's officers, or from the violence of the then late rains, and the torrents thereby occasioned, to justify the expence of the first year, yet as they were all considered and included in the estimate for that year, there could be no pretence for allowing and continuing so large and burthensome a payment as 80,000 rupees per annum, for the four succeeding years.

That the said Warren Hastings did, in his minutes of the 13th of February, 1778, himself support that opinion, in the comparison to be made between Mr. Thomson's proposals of undertaking the same service for 60,000 rupees a year, for nine years, and the terms of Mr. Frazer's contracts; preferring the latter, because these were "to effect a complete repair, which could hardly be concluded in one season, and the subsequent expence would be but trifling."

Notwithstanding which, the said Warren Hastings urged and prevailed upon the Council to allow in the first year the full amount proposed by Mr. Kinlock in his estimate of the necessary repairs, and did burthen the Company with what he must have deemed to be for the greater part an unnecessary expence of 80,000 rupees per annum, for four years.

That the permission granted to Mr. Frazer to make do bunds, or new and additional embankments in of the old ones, whenever he should judge them necessary, at the charge of Government (the said charge to be verified by the oath of the said Frazer, without any voucher) was a power very much to be suspected, and very improper to be entrusted to a Contractor, who had already covenanted to keep the old pools in perfect repair, and to construct new ones wherever the old pools had been broken down and washed away, or where the course of the rivers might have rendered new ones necessary, in consideration of the great sums stipulated to be paid to him by the government.

That the grant of the foregoing contracts, and the permission afterwards annexed to the second of the said grants, become much more reprehensible from a consideration of the circumstances of the person to whom such a grant was made.

That the due performance of the service required local knowledge and experience, which the said Archibald Frazer, being an officer in the Supreme Court of Justice, could not have possessed.

---

(No. 12.)

## OPIUM CONTRACT, given to Mr. SULLIVAN, and sending OPIUM to CHINA.

**T**HAT it appears that the opium produced in Bengal and Bahar is a considerable and lucrative article in the export trade of those Provinces; that the whole produce has been for many years monopolized, either by individuals or by the Government; that the Court of Directors of the East India Company, in consideration of the hardship imposed on the native owners and cultivators of the lands, who were deprived of their natural right of dealing with many competitors, and compelled to sell the produce of their labour to a single monopolist, did authorise the Governor General and Council to give up that commodity as an article of commerce.

That while the said commodity continued to be a monopoly for the benefit of government, and managed by a Contractor, the contracts for providing it were subject to the Company's fundamental regulation, namely, to be put up to auction, and disposed of to the best bidder; and that the Company, particularly ordered, that the commodity, when provided, should be consigned to the Board of Trade, who were directed to dispose thereof by public auction.

That, in May 1777, the said Warren Hastings granted to John Mackenzie a contract for the provision of opium, to continue three years, and without advertising for proposals; that this



transaction was condemned by the Court of Directors, notwithstanding a clause had been inserted in that contract, by which it was left open to the Court of Directors to annul the same at the expiration of the first or second year.

That, about the end of the year 1780, the said Warren Hastings, in contradiction to the order above mentioned, did take away the sale of the opium from the Board of Trade, though he disclaimed, at the same time, *any intention of implying a censure on their management.*

That, in March 1781, the said Warren Hastings did grant to Stephen Sullivan, son of Lawrence Sullivan, chairman of the Court of Directors of the East India Company, a contract for the provision of opium, without advertising for proposals, and without even receiving any written proposals from him the said Sullivan; that he granted this contract for four years, and, at the request of the said Sullivan, did omit that clause which was inserted in the preceding contract, and by which it was rendered liable to be determined by orders from the Company; the said Warren Hastings declaring, contrary to truth, that such clause was now unnecessary, as the Directors *had approved* the contract.

That the said Sullivan had been but a few months in Bengal, when the above contract was given to him; that he was a stranger to the country, and to all the local commerce thereof, and therefore unqualified for the management of such a concern; and that the said Sullivan, instead of executing the contract himself, did, shortly after obtaining the same, assign it over to John Benn and others; and, in consideration of such assignment, did receive from the said Benn a great sum of money.

That, from the preceding facts, as well as from sundry other circumstances of restrictions taken off (particularly by abolishing the office of Inspector into the quality of the opium) and of beneficial clauses introduced, it appears that the said Warren Hastings gave this contract to the said Stephen Sullivan, in contradiction to the orders of the Court of Directors, and without any regard to the interests of the India Company, for the sole purpose of creating an instant fortune for the said Sullivan at the expence of the India Company, without any claim of service or pretence of merit on his part, and without any apparent motive whatever, except that of securing or rewarding the attachment and support of his father, Lawrence Sullivan, a person of great authority and influence in the direction of the Company's affairs, and notoriously attached to and connected with the said Warren Hastings.

That the said Stephen Sullivan neither possessed, nor pretended to possess, any skill in the business of his contract; that he exerted no industry, nor shewed, or could shew, any exactness in the performance of it; since he immediately sold the contract for a sum of money to another person (for the sole purpose of which sale, it must be presumed, the same was given); by which person another profit was to be made; and by that person the same was again sold to a third, by whom a third profit was to be made.

That the said Warren Hastings, at the very time when he engaged the Company in a contract for engrossing the whole of the opium produced in Bengal and Bahar in the ensuing four years, on terms of such exorbitant profit to the Contractor, affirmed, that "there was little prospect of selling the opium in Bengal at a reasonable price; and that it was but natural to suppose that the price of opium *would fall, from the demand being lessened.*"—That, in a letter dated the 5th of May 1781, he informed the Directors, "That, owing to the indifferent state of the markets last season to the Eastward, and the very enhanced rates of insurance which the war had occasioned, they had not been able to dispose of the opium of the present year to so great an advantage as they expected; and that more than one half of it remained still in their warehouses." That the said Warren Hastings was guilty of a manifest breach of trust to his constituents and his employers, in monopolizing for their pretended use an article of Commerce, for which he declared *no purchasers had offered, and that there was little prospect of any offering; and the price of which, he said, it was but natural to suppose would fall.* That the said Warren Hastings having, by his own act, loaded the Company with a commodity, for which, either in the ordinary and regular course of public auction, or even by private contract, there was, as he affirmed, no sale, did, under pretence of finding a market for the same, engage the Company in an enterprize of great and certain expence, subject to a manifest risque, and full of disgrace to the East India Company; not only in their political character, as a great sovereign power in India; but in their commercial character, as an eminent and respectable body of merchants: and that the execution of this enterprize was accompanied with sundry other engagements with other persons, in all of which the Company's interest was constantly sacrificed to that of individuals favoured by the said Warren Hastings.

That



That the said Warren Hastings first engaged in a scheme to export one thousand four hundred and sixty chests of opium, on the Company's account, on board a ship belonging to Cudbert Thornhill; half of which was to be disposed of in a coasting voyage, and the remainder in Canton.—That, besides the freight and commission payable to the said Thornhill, on this adventure, twelve pieces of cannon belonging to the Company were lent for arming the ship; though his original proposal was, that the ship should be armed at his expence.—That this part of the adventure depending for its success on a prudent and fortunate management of various sales and re-sales, in the course of a circuitous voyage; and being exposed to such risque both of sea and enemy, that all private traders had declined to be concerned in it; was particularly unfit for a great trading company, and could not be undertaken on their account with any rational prospect of advantage.

That the said Warren Hastings soon after engaged in another scheme for exporting two thousand chests of opium, directly to China, on the Company's account, and for that purpose accepted of an offer made by Henry Watson, the Company's chief engineer, to convey the same in a vessel of his own, and to deliver it to the Company's supra cargoes.—That, after the offer of the said Henry Watson had been accepted, a letter from him was produced at the Board, in which he declared that he was unable to equip the ship with a proper number of cannon, and requested that he might be furnished with thirty-six guns from the Company's stores at Madras; with which request the Board complied.—That it appears, that George Williamson, the Company's auctioneer at Calcutta, having complained that, by this mode of exporting the opium, which used to be sold by public auction, he lost his commission as auctioneer, the Board allowed him to draw a commission of one per cent. on all the opium which had been or was to be exported.—That it appears that the contractor for opium (whose proper duties and emoluments, as contractor, ended with the delivery of the Opium) was also allowed to draw a commission on the opium then shipping on the Company's account; but for what reason, or on what pretence, does not appear.

That the said Warren Hastings, in order to pay the said Stephen Sullivan in advance for the opium furnished or to be furnished by him, in the first year of his contract, did borrow the sum of twenty lacks of rupees, at eight per cent. or two hundred thousand pounds sterling, to be repaid by drafts to be drawn on the Company by their Supra Cargoes in China, provided the opium consigned to them should arrive safe; but that if the adventure failed, whether by the loss of the ships or otherwise, the subscribers to the above loan were to be repaid their capital and interest out of the Company's Treasury in Bengal.

That the said Warren Hastings, having in this manner purchased a commodity for which he said there was no sale, and paid for it with money which he was obliged to borrow at a high interest, was still more criminal in his attempt, or pretended plan, to introduce it clandestinely into China. That the importation of opium into China is forbidden by the Chinese government; that the opium, on seizure, is burnt; the vessel that imports it confiscated; and the Chinese, in whose possession it may be found for sale, punished with death.

That the Governor General and Council were well aware of the existence of these prohibitions and penalties; and did therefore inform the Supra Cargoes in China, that the ship belonging to the said Henry Watson would enter the river at China as an armed ship, *and would not be reported as bearing a cargo of opium, that being a contraband trade.*—That of the above two ships, the first, belonging to Cudbert Thornhill, was taken by the French; and that the second, arriving in China, did occasion much embarrassment and distress to the Company's Supra Cargoes there, who had not been previously consulted on the formation of the plan, and were exposed to great difficulty and hazard in the execution of their part of it. That the ship was delayed, at a demurrage of an hundred dollars a day, for upwards of three months, waiting in vain for a better market.—The factory estimate the *loss* to the Company, including port charges, demurrage, and factory charges allowed the Captain, at sixty nine thousand nine hundred and ninety three dollars, or about twenty thousand pounds sterling.

That the Company's factory at China, after stating the foregoing facts to the Court of Directors, conclude with the following general observation thereon:—"On a review of these circumstances, with the extravagant and unusual terms of the freight, demurrage, factory charges, &c. &c. we cannot help being of opinion, that private considerations have been suffered to interfere too much for any benefit that may have been intended to the Honourable Company. We hope for the Honourable Court's approbation of our conduct in this affair. The novelty and nature of the consignments have been the source of much trouble and anxiety; and, though we wished to have had it in our power to do more, we may truly say we have exceeded our expectations."

That



That every part of this transaction, from the monopoly with which it commenced, to the contraband dealing with which it concluded, criminales the said Warren Hastings with wilful disobedience of orders, and a continued breach of trust : that every step taken in it was attended with heavy loss to the Company, and with a sacrifice of their interest to that of individuals : and that, if finally a profit had resulted to the Company from such a transaction, no profit attending it could compensate for the probable risque to which their trade in China was thereby exposed ; or for the certain dishonour and consequent distrust, which the East India Company must incur in the eyes of the Chinese Government, by being engaged in a low, clandestine traffic, prohibited by the laws of the country.

---

(No. 13.)

Appointment of Mr. R. J. Sullivan to be Resident at the Durbar of the Nabob of Arcot, and proposing him to be appointed Resident at the Nizam's Court after being dismissed by the Directors.

**T**HAT, in the month of February, 1781, Mr. Richard J. Sullivan, Secretary to the Select Committee at Fort St. George, applied to them for leave to proceed to Calcutta on his private affairs. That, being the confidential Secretary to the Select Committee at Fort St. George, and consequently possessed of all the views and secrets of the Company, as far as they related to that government ; he went privately into the service of the Nabob of Arcot ; and, under the pretence of proceeding to Calcutta on his private business, undertook a commission from the said Nabob to the Governor General and Council, to negotiate with them in favour of certain projects of the said Nabob, which had been reprobated by the Company.

That the said Sullivan was soon after appointed back again, by the said Warren Hastings, to the office of Resident at the Durbar of the said Nabob of Arcot. That it was a high crime and misdemeanor, in the said Hastings, to encourage so dangerous an example in the Company's service, and to interfere unnecessarily with the government of Madras, in the discharge of the duties peculiarly ascribed to them by the practice and orders of the Company, for the purpose of appointing to a great and confidential situation, a man who had so recently committed a breach of trust to his employers.

That the Court of Directors, in their letter to Bengal, dated the 12th of July, 1782, and received there on the 18th of February, 1783, did *condemn and revoke* the said appointment. That the said Directors, in theirs to Fort St. George, dated the 28th of August, 1782, and received there the 31st of January, 1783, did highly condemn the conduct of the said Sullivan ; and, in order to deter their servants from practices of the same kind, *did dismiss him from their service.*

That the said Hastings, knowing that the said Sullivan's appointment had been condemned and revoked by the Court of Directors, and pretending that, on the 15th of March, 1783, he did not know that the said Sullivan was *dismissed* from the Company's service, though that fact was known at Madras on the 31st of the preceding January, did recommend the said Sullivan to be Ambassador at the court of Nizam Ally Cawn, Subahdar of the Deccan, in defiance of the authority and orders of the Court of Directors.

That even admitting, what is highly improbable, that the *dismissal* of the said Sullivan from the service of the said Company was not known at Calcutta in forty three days from Madras, the last-mentioned nomination of the said Sullivan was made at least in contempt of the censure already expressed by the Court of Directors, at his former appointment to the Durbar of the Nabob of Arcot, and which was certainly known to the said Hastings.

(No. 13.)



(No. 14.)

## BREACH of TREATY with the RANNA of GOHUD.

**T**HAT on the 2d of December, 1779, the Governor General and Council of Fort William, at the special recommendation and instance of Warren Hastings, Esquire, then Governor General, and contrary to the declared opinion and protest of three of the Members of the Council; (viz.) Philip Francis and Edward Wheler, Esquires, who were present; and of Sir Eyre Coote, who was absent (by whose absence the casting voice of the said Warren Hastings, Esquire, prevailed;) did conclude a treaty of perpetual friendship and alliance, offensive and defensive, with a Hindoo Prince, called the Ranna of Gohud, for the express purpose of using the forces of the said Ranna in opposition to the Mahrattas.

That, among other articles, it was stipulated with the said Ranna, by the said Warren Hastings, “ That whenever peace should be concluded between the Company and the Mahratta state, the Maha Rajah should be included as a party in the treaty which should be made for that purpose, and his present possessions, together with the fort of Gualior, which of old belonged to the family of the Maha Rajah, if it should be then in his possession, and such countries as he should have acquired in the course of war, and which it should then be stipulated to leave in his hands, should be guaranteed to him by such treaty.”

That in the late war against the Mahrattas, the said Ranna of Gohud did actually join the British army, under the command of Colonel Muir, with two battalions of infantry, and twelve hundred cavalry, and did then serve in person against the Mahrattas, thereby affording material assistance, and rendering essential service to the Company.

That, in conformity to the above-mentioned treaty, in the fourth article of the treaty of peace, concluded on the 13th of October, 1781, between Colonel Muir, on the part of the English Company, and Madajee Scindia the Mahratta General, the said Ranna of Gohud was expressly included.

That, notwithstanding the said express provision and agreement, Madajee Scindia proceeded to attack the forts, and lay waste the territories of the said Ranna, and did undertake and prosecute a war against him for the space of two years; in the course of which, the Ranna and his family were reduced to extreme distress, and in the end he was deprived of his forts, and the whole not only of his acquired possessions, but of his original dominions, so specially guaranteed to him by the British Government in both the above-mentioned treaties.

That the said Warren Hastings was duly and regularly informed of the progress of the war against the Ranna, and of every event thereof; notwithstanding which, he not only neglected in any manner to interfere therein in favour of the said Ranna, or to use any endeavours to prevent the infraction of the treaty, but gave considerable countenance and encouragement to Madajee Scindia in his violation of it, both by the residence of the British Minister in the Mahratta camp, and by the approbation shewn by the said Warren Hastings to the promises made by his agent, of observing the strictest neutrality, notwithstanding he was in justice bound, and stood pledged by the most solemn and sacred engagements, to protect and preserve the said Ranna from those enemies, whose resentment he had provoked only by his adherence to the interests of the British nation.

That, in the only attempt made to sound the disposition of Madajee Scindia, relative to a pacification between him and the Ranna of Gohud, on the 14th of May, 1783, Mr. Anderson, in obedience to the orders he had received, did clearly and explicitly declare to Bhow Buckfey, the Minister of Madajee Scindia, the sentiments of the said Warren Hastings, in the words following:—“ That it was so far from your (the said Hastings’s) meaning, to intercede in his (the said Ranna’s) favour, that I only desired him to sound Scindia’s sentiments, and in case he was desirous of peace, to mention what I had said; but, if he seemed to prefer carrying on the war, I begged that he would not mention a syllable of what had passed, but let the matter drop entirely.”



That it afterwards appeared, in a minute of the said Hastings, in Council at Fort William, on the 22d of September, 1783, that he promised, at the instance of a Member of the Council, to write to Lieutenant James Anderson in favour of the Ranna of Gohud, and lay his letter before the board.

That nevertheless the said Hastings, professing not to *recollect* his said promise, did *neglect to write a formal letter to Lieutenant Anderson, in favour of the said Ranna of Gohud*, and that the private letter, the extract of which the said Hastings did lay before the Board on the 21st of October, 1783, so far from directing any effectual interference in favour of the said Ranna, or commanding his agent, the said James Anderson, to interpose the mediation of the British government to procure "*honourable terms*" for the said Ranna, or even "*safety to his person and family*," contains the bitterest invectives against him, and is expressive of the satisfaction which the said Hastings acknowledges himself to have enjoyed in the distresses of the said Ranna, the ally of the Company.

That the measures therein recommended, appear rather to have been designed to satisfy Madajee Scindia, and to justify the conduct of the British government, in not having taken a more active and a more hostile part against the said Ranna, than an intercession on his behalf.

That though no consideration of good faith, or observance of treaties, could induce the said Hastings to incur the hazard of any hostile exertion of the British force for the defence or the relief of the allies of the Company, yet in the said private letter he directed that, in case his mediation should be accepted, it should be made a *specific condition*, that, *if the said Ranna should take advantage of Scindia's absence to renew his hostilities, we ought in that case, on requisition, to invade the dominions of the Ranna.*

That no beneficial effects could have been procured to the said Ranna by an offer of Mediation delayed till Scindia no longer wanted "*our assistance to crush so fallen an enemy*;" at the same time that no reason was given to Scindia to apprehend the danger of drawing upon himself the resentment of the British government, by a disregard of their proposal and the destruction of their ally.

That it was a gross and scandalous mockery in the said Hastings to defer an application to obtain honourable terms for the Ranna, and safety for his person and family, till he had been deprived of his principal fort in defence of which his uncle lost his life, and on the capture of which his wife, to avoid the dishonour consequent upon falling into the hands of her enemies, *had destroyed herself by an explosion of gunpowder.*

That however, it does not appear that any offer of mediation was ever actually made, or any influence exerted, either for the safety of the Ranna's person and family, or in mitigation of the *rigorous intentions* supposed by Lieutenant Anderson to have been entertained against him by Madajee Scindia after his surrender.

That the said Hastings, in the instructions given by him to Mr. David Anderson for his conduct in negotiating the treaty of peace with the Mahrattas, expressed his determination to desert the Ranna of Gohud, in the following words: "*you will of course be attentive to any engagements subsisting between us and other powers, in settling the terms of peace and alliance with the Mahrattas; I except from this the Ranna of Gohud.*"—"Leave him to settle his own affairs with the Mahrattas."

That the said Anderson appears very assiduously to have sought for grounds to justify the execution of this part of his instructions, to which, however, he was at all events obliged to conform.

That, even after his application for that purpose to the Mahrattas, whose testimony was much to be suspected, because it was their interest to accuse, and their determined object to destroy the said Ranna, no satisfactory proof was obtained of his defection from the engagements he had entered into with the Company.

That moreover, if all the charges, which have been pretended against the Ranna, and have been alledged by the said Hastings in justification of his conduct, had been well founded, and proved to be true, the subject matter of those accusations, and the proofs by which they were to be supported, were known to Colonel Muir before the conclusion of the treaty he entered into with Madajee Scindia; and therefore, whatever suspicions may have been entertained, or whatever degree of criminality may have been proved against the said Ranna, previous to the said treaty,



treaty, from the time he was so provided for and included in the said treaty, he was fully and justly entitled to the security stipulated for him by the Company, and had a right to demand and receive the protection of the British government.

That these considerations were urged by Mr. Anderson to the said Warren Hastings, in his letter of the 24th of June, 1781, and were enforced by this additional argument, "That in point of policy, I believe, it ought not to be our wish that the Mahrattas should ever re-cover the fortress of Gualior; it forms an important barrier to our own possessions. In the hands of the Ranna it can be of no prejudice to us; and notwithstanding the present prospect of a permanent peace betwixt us and the Mahrattas, it seems highly expedient that there should always remain some strong barrier to separate us, on this side of India, from that warlike and powerful nation."

That the said Warren Hastings was highly culpable in abandoning the said Ranna to the fury of his enemies, thereby forfeiting the honour and injuring the credit of the British nation in India, notwithstanding the said Hastings was fully convinced, and had professed, "that the most sacred observance of treaties, justice, and good faith, were necessary to the existence of the national interests in that country."—And though the said Hastings has complained of the insufficiency of the laws of this kingdom to enforce this doctrine, "by the punishment of persons in the possession of power, who may be impelled by the provocation of ambition, avarice, or vengeance, stronger than the restrictions of integrity and honour, to the violation of this just and wise maxim."

That the said Hastings, in thus departing from these his own principles, with a full and just sense of the guilt he would thereby incur, and in sacrificing the allies of this country "*to the provocations of ambition, avarice, or vengeance,*" in violation of the national faith and justice, did commit a gross and wilful breach of his duty, and was thereby guilty of an high crime and misdemeanour.

---

( No. 15. )

**Embezzlement of the Revenues, and not proceeding in Prosecutions of the Committee, as ordered by the Directors; and increasing the Expence of the Collection, and occasioning the Decline of Revenue.**

P A R T I.

**T**HAT the property of the lands of Bengal is, according to the laws and customs of that country, an inheritable property, and that it is, with few exceptions, vested in certain natives, called Zemindars, or Landholders, under whom other natives, called Talookdars and Ryots, hold certain subordinate rights of property, or occupancy, in the said lands:—That the said natives are Hindoos, and that their *rights and privileges are grounded upon the possession of regular grants, a long series of family succession, and fair purchase*:—That it appears that Bengal has been under the dominion of the Mogul, and subject to a Mahomedan government, for above two hundred years:—That, while the Mogul government was in its vigour, the property of Zemindars was held sacred; and that either by voluntary grant from the said Mogul, or by composition with him, the native Hindoos were left in the free, quiet, and undisturbed possession of their lands, on the single condition of paying a fixed, certain, and unalterable revenue, or quit-rent, to the Mogul government:—That this revenue, or quit-rent was called the *aussil jumma*, or *original ground rent*, of the provinces, and was not increased from the time when it was first settled, in 1573, to 1740, when the regular and effective Mogul government ended:—That, from that time to 1765, invasions, usurpations, and various revolutions took place in the government of Bengal, in consequence of which the country was considerably reduced and impoverished, when the East India Company received from the present Mogul Emperor, Shâw Alum, a grant of the dewanny, or collection of the revenues:—That, about the year 1770, the provinces of Bengal and Bahar were visited with a dreadful famine and mortality, by which at least one third of



of the inhabitants perished:—That Warren Hastings, Esquire, has declared, “ that he had always heard the loss of inhabitants reckoned at a third, and in many places near one half, of the whole: and that he knew not by what means such a loss could be recruited in four or five years, and believed it impossible.” That nevertheless the revenue was *violently kept up to its former standard*, that is, in the two years immediately preceding the appointment of the said Warren Hastings to the government of Fort William; in consequence of which, *the remaining two thirds of the inhabitants were obliged to pay for the lands now left without cultivation*; and that, from the year 1770 to the year 1775, *the country had languished, and the evil continued enhancing every day*:—That the said Warren Hastings, in a letter to the Secret Committee of the Court of Directors, dated 1st September, 1772, declared, “ That the lands had suffered unheard-of depopulation by the famine and mortality of 1769; that the collections, *violently kept up to their former standard*, had added to the distress of the country, and threatened a general decay of the revenue, unless immediate remedies were applied to prevent it.” That the said Warren Hastings has declared, “ That, by intrusting the collections to hereditary Zemindars, the people would be treated with *more tenderness*, the rents more improved, and cultivation more likely to be encouraged; that *they* have a perpetual interest in the country; that *their* inheritance cannot be removed; that *they* are the proprietors; that the lands are *their* estates, and *their* inheritance; that, from a long continuance of the lands in their families, it is to be concluded they have rivetted an authority in the district, acquired an ascendancy over the minds of the Ryots, and *ingratiated their affections*. That, from continuing the lands under the management of those who have a natural and perpetual interest in their prosperity, solid advantages might be expected to accrue: that the Zemindar would be less liable to failure or deficiencies than the farmer, from the perpetual interest which the former hath in the country, and because his inheritance cannot be removed; and it would be improbable that he should risque the loss of it by eloping from his district, which is too frequently practised by a farmer, when he is hard pressed for the payment of his balances, and as frequently predetermined when he receives his farm:”—That notwithstanding all the preceding declarations, made by the said Warren Hastings, of the loss of one third of the inhabitants, and general decline of the country, he did, immediately after his appointment to the government, in the year 1772, make an arbitrary settlement of the revenues for five years, at a higher rate than had ever been received before, and with a progressive and accumulating increase on each of the four last years of the said settlement.

That notwithstanding the right of property and inheritance, repeatedly acknowledged by the said Warren Hastings to be in the Zemindars, and other native landholders; and notwithstanding he had declared “ that the security of private property is the greatest encouragement to industry, on which the wealth of every state depends;” the said Warren Hastings, nevertheless, in direct violation of those acknowledged rights and principles, did universally let the lands of Bengal *in farm* for five years; thereby destroying all the rights of private property of the Zemindars; thereby delivering the management of their estates to farmers, and transferring, by a most arbitrary and unjust act of power, the whole landed property of Bengal from the owners to strangers:—That, to accomplish this iniquitous purpose, he, the said Warren Hastings, did put the lands of Bengal up to a pretended public auction, *and invited all persons to make proposals for farming the same*, thereby encouraging strangers to bid against the proprietors; in consequence of which, not only the said proprietors were ousted of the possession and management of their estates, but a great part of the lands fell into the hands of the Banyans, or principal black servants, of British subjects, connected with and protected by the government: and that the said Warren Hastings himself has since declared, that, *by this way, the lands too generally fell into the hands of desperate or knavish adventurers*:—That, before the measure herein before described was carried into execution, the said Warren Hastings did establish certain fundamental regulations in Council, to be observed in executing the same:—That, among these regulations, it was specially and strictly ordered, that no farm should exceed the annual amount of *one* lack of rupees; and “ that no Peshcar, Banyan, or other servant of whatever denomination, of the Collector, or relation or dependant of any such servant, should be allowed to farm lands, nor directly or indirectly to hold a concern in any farm, nor to be security for any farmer:”—That, in direct violation of these his own regulations, and in breach of the public trust reposed in him, and sufficiently declared by the manifest duty of his station, if it had not been expressed and enforced by any positive institution, he, the said Warren Hastings, did permit and suffer his own Banyan, or principal black steward, named Cantoo Baboo, to hold farms in different pergunnahs, or districts, or to be security for farms, to the amount of thirteen lacks of rupees [130,000l. or upwards] per annum; and that after enjoying the whole of those farms for two years, he was permitted by the said Warren Hastings to relinquish two of them:—That, on the subject of the farms held by Cantoo Baboo, the said Warren Hastings has made the following declaration: “ Many of his farms were taken without my knowledge, and almost all against my advice. I had no right to use compulsion or authority; nor could I with justice exclude him, because he was my servant, from a liberty allowed to all other persons in  
“ the



“ the country.—The farms which he quitted, he quitted by my advice, because I thought that  
 “ he might engage himself beyond his abilities, and be involved in disputes, which I did not  
 “ chuse to have come before me as judge of them.”—That the said declaration contains sundry  
 false and contradictory assertions:—That, if *almost all* the said farms were taken against his  
 advice, it cannot be true that *many* of them were taken without his knowledge:—That, whe-  
 ther Cantoo Baboo had been his servant or not, the said Warren Hastings was bound by his own  
 regulations to prevent his holding any farms to a greater amount than one lack of rupees per  
 annum; and that the said Cantoo Baboo, being the servant of the Governor General, was  
 excluded by the said regulations from holding any farms whatever:—That if (as the Directors  
 observe) it was thought dangerous to permit the Banyan of a Collector to be concerned in farms,  
 the same or stronger objections would always lie against the Governor’s Banyan being so con-  
 cerned:—That the said Warren Hastings had a right, and was bound by his duty, to prevent  
 his servant from holding the same:—That, in advising the said Cantoo Baboo to relinquish some  
 of the said farms, for which he was actually engaged, he has acknowledged an influence over  
 his servant, and has used that influence for a purpose inconsistent with his duty to the India  
 Company, namely, to deprive them of the security of the said Cantoo Baboo’s engagement for  
 farms, which on trial he had found not beneficial, or not likely to continue beneficial to him-  
 self; and that if it was improper that he, the said Warren Hastings, should be the judge of any  
 disputes in which his servant might be involved on account of his farms, that reason ought to  
 have obliged him to prevent his servant from being engaged in any farms whatever, or to have  
 advised his said servant to relinquish the remainder of his farms, as well as those which the said  
 Warren Hastings affirms he quitted by his advice:—That, on the subject of the said charge,  
 the Court of Directors of the East India Company have come to the following resolution:—  
 “ *Resolved*, That it appears that the conduct of the late President and Council of Fort William  
 “ in Bengal, in suffering Cantoo Baboo, the present Governor General’s Banyan, to hold farms  
 “ in different pergunnahs to a large amount, or to be security for such farms, contrary to the  
 “ tenor and spirit of the 17th regulation of the Committee of Revenue at Fort William, of  
 “ the 14th May, 1772, and afterwards relinquishing that security without satisfaction made to  
 “ the Company, was highly improper, and has been attended with considerable loss to the Com-  
 “ pany:”—and that, in the whole of this transaction, the said Warren Hastings has been guilty  
 of gross collusion with his servant, and manifest breach of trust to his employers:—That,  
 whereas it was acknowledged, by the said Warren Hastings, that the country, in the year  
 1770 and 1771, had suffered great depopulation and decay;—and, that the collections of those  
 years, having been violently kept up to their former standard, had added to the distress of the  
 country,—the settlement of the revenues made by him for five years, commencing the 1st of  
 May, 1772, instead of offering any abatement or relief to the inhabitants who survived the  
 famine, held out to the East India Company a promise of great *increase* of revenue, to be exacted  
 from the country by the means herein before described:—That this settlement was not realized,  
 but fell considerably short, even in the first of the five years, when the demand was the lightest;  
 and that, on the whole of the five years, the real collections fell short of the settlement, to the  
 enormous amount of two millions and a half sterling, and upwards:—That such a settlement  
 if it had been, or could have been, rigorously exacted from a country already so distressed, and  
 from a population so impaired, that, in the belief of the said Warren Hastings, it was impos-  
 sible such loss could be recruited in four or five years, would have been in fact, what it ap-  
 peared to be in form, an act of the most cruel and tyrannical oppression; but that the real use  
 made of that unjust demand upon the natives of Bengal was, to oblige them to compound pri-  
 vately with the persons who formed the settlement, and who threatened to enforce it:—That  
 the enormous balances and remissions on that settlement, arose from a general collusion between  
 the farmers and collectors, and from a general peculation and embezzlement of the reve-  
 nues, by which the East India Company was grossly imposed on, in the first instance, by a  
 promised *increase* of revenue; and defrauded, in the second, not only by the failure of that  
*increase*, but by the revenues falling short of what they were in the two years preceding the said  
 settlement, to a great amount.—That the said Warren Hastings, being then at the head of the  
 government of Bengal, was a party to all the said imposition, fraud, peculation, and embezzle-  
 ment, and is principally and specially answerable for the same; and that whereas sundry proofs  
 of the said peculation and embezzlement were brought before the Court of Directors, the said  
 Directors (in a letter dated the 4th of March, 1778, and signed by William Devaynes and  
 Nathaniel Smith, Esquires, now Chairman and Deputy Chairman of the said Court, and  
 Members of this House) did declare that, “ although it was rather their wish to prevent future  
 “ evils, than to enter into a severe retrospection of past abuses, yet, as in some of the cases then  
 “ before them, they conceived there had been *flagrant corruption*, and in others great oppres-  
 “ sions committed on the native inhabitants, they thought it unjust to suffer the delinquents  
 “ to pass wholly unpunished; and therefore they directed the Governor General and Council  
 “ forthwith to commence a prosecution against the persons who composed the Committee of  
 “ Circuit, and their representatives, and against all other proper parties:”—But that the pro-  
 secutions so ordered by the Court of Directors, in the year 1778, have never been brought to  
 trial;



trial; and that the said Warren Hastings did, on the 23d of December, 1783, propose and carry it in Council, *that orders should be given for withdrawing the said prosecutions; declaring that he was clearly of opinion that there was no ground to maintain them, and that they would only be productive of expence to the Company, and unmerited vexation to the parties.*

## P A R T II.

**T**HAT the said Warren Hastings has, on sundry occasions, declared his deliberate opinion generally against all innovations, and particularly in the collection and management of the revenues of Bengal, that “ he was well aware of the expence and inconvenience *which ever attends innovations of all kinds*, on their first institution.—That innovations are *always* attended with “ difficulties and inconveniences, and innovations in the revenue with a suspension of the collections:—That the continual variations in the mode of collecting the revenue, and the continual usurpation on the rights of the people, have fixed in the minds of the ryots a rooted “ distrust of the ordinances of government;”—That the Court of Directors have repeatedly declared their apprehensions, “ that a sudden transition from one mode to another, in the investigation and collection of their revenue, might have alarmed the inhabitants, lessened their “ confidence in the Company’s proceedings, and been attended with other evils:”—That the said Warren Hastings, immediately after his appointment to the government of Fort William, in April, 1772, did abolish the office of *Naib Duan*, or native Collector of the Revenues, then existing:—That he did, at the same time, appoint a Committee of the board to go on a circuit through the Provinces, and to form a settlement of the revenues for five years:—That he did then appoint sundry of the Company’s servants to have the management of the collections, viz. One in each district, under the title of *Collector*:—That he did then abolish the General Board of Revenue or Council at Muxadavad, for the following reasons: “ That while the controlling “ and executive part of the revenue, and the correspondence with the Collectors, was carried on “ by a Council at Muxadavad, the Members of the Administration at Calcutta had no opportunity of acquiring that thorough and comprehensive knowledge, which could only result from “ *practical experience*: That the orders of the Court of Directors, which established a new system, “ which enjoined many new regulations and enquiries, could not properly be delegated to a Sub- “ ordinate Council; and it became absolutely necessary, that the business of the revenue should be “ conducted under the immediate observation and direction of the Board.”—That, in November, 1773, the said Warren Hastings abolished the office of *Collector*, and transferred the collection and management of the revenues, to several Councils of Revenue, commonly called *Provincial Councils*:—That, on the 24th of October, 1774, the said Warren Hastings *earnestly offered his advice* (to the Governor General and Council then newly appointed by Act of Parliament) *for the continuation of the said system of Provincial Councils in all its arts*:—That the said Warren Hastings did, on the 22d of April, 1775, transmit to the Directors a formal plan for the future settlement of the revenues, and did therein declare that, “ with respect to the mode of managing the collection of the revenue, and the administration of justice, none occurred to him “ so good as the system, which was already established, of Provincial Councils:”—That, on the 18th of January, 1776, the said Warren Hastings did transmit to the Court of Directors a plan for the better administration of justice: That, in this plan, the establishment of the said Provincial Councils was specially provided for and confirmed; and that Warren Hastings did recommend it to the Directors *to obtain the sanction of Parliament for a confirmation of the said plan*:—That, on the 30th of April, 1776, the said Warren Hastings did transmit to the Court of Directors the draught or scheme of an Act of Parliament for the better administration of justice in the Provinces, in which the said establishment of Provincial Councils is again specially included, and special jurisdiction assigned to the said Councils. That the Court of Directors, in a letter dated 5th of February, 1777, did give the following instruction to the Governor General and Council, a majority of whom, viz. Sir John Clavering, Colonel Monson, and Mr. Francis, had disapproved of the plan of Provincial Councils.—“ If you are fully convinced that the establishment of Provincial Councils has not answered, nor is not capable of answering, the “ purposes intended by such institutions, we hereby direct you to form a new plan for the “ collection of the revenues, and to transmit the same to us *for our consideration*.”—That the said Warren Hastings, in contradiction to his own sentiments repeatedly declared, and to his own advice repeatedly and deliberately given, and in defiance of the orders of the Directors, to whom he transmitted no previous communication whatever of his intention to abolish the said Provincial Councils, did, in the beginning of the year 1781, again change the whole system of the collections of the public revenue of Bengal, as also the administration of civil and criminal justice throughout the Provinces.—That the said Warren Hastings, in a letter dated 5th of May, 1781, advising the Court of Directors of the said changes, has falsely affirmed “ that the plan of superintending and collecting the public revenue of the Provinces, through the agency “ of



“ of Provincial Councils, had been instituted for the temporary and declared purpose of introducing another more permanent mode *by an easy and gradual change*:—That, on the contrary, the said Warren Hastings, from the year 1773 to the year 1781, has constantly and uniformly insisted on the wisdom of that institution, and on the necessity of never departing from it:—That he has, in that time, repeatedly advised that the said institution should be confirmed *in perpetuity* by an Act of Parliament:—That the said total dissolution of the Provincial Councils was not introduced by any easy and gradual change, nor by any gradations whatever; but was sudden and unprepared, and instantly accomplished by a single act of power: and that the said Warren Hastings, in the place of the said Councils, has substituted a Committee of Revenue, consisting of four covenanted servants, on principles opposite to those which he had himself professed; and with exclusive powers, tending to deprive the Members of the Supreme Council of a due knowledge of, and inspection into, the management of the territorial revenues, specially and unalienably vested by the Legislature in the Governor General and Council, and to vest the same solely and entirely in the said Warren Hastings.—That the reasons assigned, by the said Warren Hastings, for constituting the said Committee of Revenue, are incompatible with those which he professed, when he abolished the subordinate Council of Revenue at Muxadavad:—That he has invested the said Committee, *in the fullest manner, with all the powers and authority of the Governor General and Council*:—That he has thereby contracted the whole power and office of the Provincial Councils into a small compass, and vested the same in four persons appointed by himself:—That he has thereby taken the general transaction and cognizance of revenue business out of the Supreme Council:—That the said Committee are empowered to conduct the current business of the Revenue department, without reference to the Supreme Council, and only *report to the Board such extraordinary occurrences, claims, and proposals, as may require the special orders of the Board*:—That even the instruction to report to the Board, in extraordinary cases, is nugatory and fallacious, being accompanied with limitations which make it impossible for the said Board to decide on any questions whatsoever: since it is expressly provided by the said Warren Hastings, *that, if the Members of the Committee differ in opinion, it is not expected that every dissentient opinion should be recorded*; consequently the Supreme Council, on any reference to their Board, can see nothing but the resolutions or reasons of the majority of the Committee, without the arguments on which the dissentient opinions might be founded; and since it is also expressly provided by the said Warren Hastings, *that the determination of the majority of the Committee should not therefore be stayed, unless it should be so agreed by the majority*; that is, that, notwithstanding the reference to the Supreme Council, the measure shall be executed without waiting for their decision.—That the said Warren Hastings has delivered his opinion, with many arguments to support the same, in favour of long leases of the lands, in preference to *annual* settlements; that he has particularly declared, “ that the farmer, who holds his farm for one year only, having no interest in the next, takes what he can with the hand of rigour, which, even in the execution of legal claims is often equivalent to violence. He is under the necessity of being rigid, and *even cruel*; for what is left in arrear, after the expiration of his power, is at best a doubtful debt, if ever recoverable. He will be tempted to exceed the bounds of right, and to augment his income by irregular exactions, and by racking the tenants, for which pretences will not be wanting, where the farms pass *annually* from one hand to another. That the discouragements which the tenants feel, from being transferred every year to new landlords, are a great objection to such short leases; that they contribute to injure the cultivation, and dispeople the lands. That, on the contrary, from long farms, the farmer acquires a permanent interest in his lands: he will, for his own sake, lay out money in assisting his tenants, in improving lands already cultivated, and in clearing and cultivating waste lands.”—That nevertheless the said Warren Hastings, having left it to the discretion of the Committee of Revenue, appointed by him in 1781, to fix the time for which the ensuing settlement should be made; and the said Committee having declared, *that, with respect to the period of the leases in general, it appeared to the Committee, that to limit them to one year would be the best period*; he, the said Warren Hastings, approved of that limitation, in manifest contradiction to all his own arguments, professions, and declarations, concerning the fatal consequences of *annual* leases of the lands:—That, in so doing, the said Warren Hastings did not hold himself bound or restrained by the orders of the Court of Directors, but acted upon his own discretion; and that he has, for partial and interested purposes, exercised that discretion, in particular instances, against his own general settlement for one year, by granting perpetual leases of farms and Zemindaries to persons specially favoured by him; and particularly by granting a perpetual lease of the Zemindary of Baharbund to his servant Cantoo Baboo, on very low terms:—That, in all the preceding transactions, the said Warren Hastings did act contrary to his duty, as Governor of Fort William, contrary to the orders of his employers, and contrary to his own declared sense of expediency, consistency, and justice; and thereby did harass and afflict the inhabitants of the provinces with perpetual changes in the system and execution of the government placed over them, and with continued innovations and exactions against the rights of the said inhabitants; thereby destroying all security to private property, and all confidence in the good faith, principles, and justice of the British government:



vernment: and that the said Warren Hastings, having substituted his own instruments to be the managers and collectors of the public revenue, in the manner herein before mentioned, did act in manifest breach and defiance of an Act of the 13th of his present Majesty, by which *the ordering and management and government of all the territorial revenues in the kingdoms of Bengal, Bahar, and Orissa*, were vested in the Governor General and Council, without any power of delegating the said trust and duty to any other persons; and that by such unlawful delegation of the powers of the Council to a subordinate board appointed by himself, he, the said Warren Hastings, did in effect unite and vest in his own person the ordering, government, and management of all the said territorial revenues:—And that, for the said illegal act, he, the said Warren Hastings, is solely answerable, the same having been proposed and resolved in Council when the Governor General and Council consisted of but two persons present; namely, the said Warren Hastings, and the late Edward Wheler, Esq. and when consequently the Governor General, by virtue of the casting voice, possessed the whole power of the government.—That, in all the changes and innovations herein before described, the pretence used by the said Warren Hastings, to recommend and justify the same to the Court of Directors, has been, that such changes and innovations would be attended with increase of revenue, or diminution of expence to the East India Company:—That such pretence, if true, would not have been a justification of such acts; but that such pretence is false and groundless.—That, during the administration of the said Warren Hastings, the territorial revenues have declined; that the charges of collecting the same have greatly increased; and that the said Warren Hastings, by his neglect, mismanagement, and by a direct and intended waste of the Company's property, is chargeable with and answerable for all the said decline of revenue, and all the said increase of expence.

(No. 16.)

## MISDEMEANORS in OWDE.

## I.

**T**HAT the province of Owde, and its dependencies, were, before their connection with and subordination to the Company, in a flourishing condition with regard to culture, commerce, and population, and their rulers and principal nobility maintained themselves in a state of affluence and splendor; but very shortly after the period aforesaid, the prosperity, both of the country and its Chiefs, began sensibly and rapidly to decline; inasmuch that the revenue of the said province, which on the lowest estimation had been found, in the commencement of the British influence, at upwards of three millions sterling annually (and that ample revenue raised without detriment to the country) did not, in the year 1779, exceed the sum of £.1,500,000, and in the subsequent years did fall much short of that sum, although the rents were generally advanced, and the country grievously oppressed in order to raise it.

## II.

That in the aforesaid year, 1779, the demands of the East India Company on the Nabob of Owde are stated by Mr. Purling, their Resident at the Court of Owde, to amount to the sum of £.1,360,000 sterling, and upwards, leaving (upon the supposition that the whole revenue should amount to the sum of £.1,500,000 sterling, to which it did amount) no more than £.140,000 sterling for the support of the dignity of the household and family of the Nabob, and for the maintenance of his government, as well as for the payment of the public debts due within the province.

## III.

That by the treaty of Fyzabad, a regular brigade of the Company's troops, to be stationed in the dominions of the Nabob of Owde, were kept up at the expence of the said Nabob; in addition



addition to which, a temporary brigade of the same troops was added to his establishment, together with several detached corps in the Company's service, and a great part of his own native troops were put under the command of British officers.

## IV.

That the expence of the Company's temporary brigade increased in the same year (the year of 1779) upwards of £.80,000 sterling above the estimate; and the expence of the country troops under British officers, in the same period, increased upwards of £.40,000 sterling; and in addition to the aforesaid ruinous expences, a large civil establishment was gradually, secretly, and without any authority from the Court of Directors, or record in the books of the Council General concerning the same, formed for the Resident, and another, under Mr. Wombwell, an agent for the Company; as also several pensions and allowances, in the same secret and clandestine manner, were charged on the revenues of the said Nabob, for the benefit of British subjects, besides large occasional gifts to persons in the Company's service.

## V.

That in the month of November, 1779, the said Nabob did represent to Mr. Purling, the Company's Resident aforesaid, the distressed state of his revenues, in the following terms: "During three years past, the expence occasioned by the troops in brigade, and others commanded by European officers, has much distressed the support of my household, insomuch that the allowances made to the seraglio and children of the deceased Nabob have been reduced to *one fourth* of what it had been, upon which they have subsisted in a very distressed manner for two years past. The attendants, writers, and servants, &c. of my court have received no pay for two years past; and there is at present no part of the country that can be allotted to the payment of my father's private creditors, whose applications are daily pressing upon me. All these difficulties I have for these three years past struggled through, and found this consolation therein, that it was complying with the pleasure of the Honourable Company, and in the hope that the Supreme Council would make inquiry from impartial persons into my distressed situation; but I am now forced to a representation. From the *great increase of expence*, the revenues were necessarily farmed out *at a high rate*; and deficiencies followed yearly. The country and cultivation is abandoned, and this year in particular, from the excessive drought, deductions of many lacks" [stated by the Resident, in his letter to the Board of the 13th of the month following, to amount to 25 lack, or £.250,000 sterling] "have been allowed the farmers, who were still left unsatisfied.—I have received but just sufficient to support my absolute necessities, the revenues being deficient to the amount of 15 lack [£.150,000 sterling] and for this reason many of the old chieftains, with their troops, and the useful attendants of the court, were forced to leave it, and there is now only a few foot and horse for the collection of my revenues; and should the Zemindars be refractory, there is not left a sufficient number to reduce them to obedience." And the said Nabob did therefore pray, that the assignments for the new brigade, the corps of horse, and the other detached bodies of the Company's troops, might not be required from him; alledging, "That the former was not only quite useless to his government, but moreover the cause of much loss both in the revenues and customs; and that the detached bodies of troops, under their European officers, brought nothing but confusion into the affairs of his government, and were entirely their own masters."

## VI.

That it appears that the said Nabob was not bound by any treaty to the maintenance, without his consent, *even of the old brigade*; the Court of Directors having, in their letter of the 15th December, 1775, approved of keeping the same in his service, "*provided it was done with the free consent of the Soubah, and by no means without it.*" And the *new brigade*, and temporary corps, were raised on the express condition that the expence thereof should be charged on the Nabob only "*for so long a time as he should require the corps for his service.*" And the Court of Directors express to the Governor General and Council their sense of the said agreement in the following terms: "But if you intend to exert your influence, first to induce the Vizier to acquiesce in your proposal, and afterwards to compel him to keep the troops in his pay during your pleasure, your intents are unjust; and a correspondent conduct would reflect great dishonour on the Company."



## VII.

That in answer to the decent and humble representation aforesaid of the Nabob of Owde, the allegations of which, so far as they relate to the distressed state of the Nabob's finances, and his total inability to discharge the demands made on him, were confirmed by the testimony of the English Resident at Owde, and which the said Hastings did not deny, in the whole or in any part thereof, he, the said Warren Hastings did, on pretence of certain political dangers, declare the relief desired, to be "without hesitation *totally* inadmissible;" and did falsely and maliciously insinuate, "that the *tone* in which the demands of the Nabob were asserted, and "the season in which they were made, did give cause for *the most alarming suspicions.*" And the said Warren Hastings did, in a letter to the Nabob aforesaid, written in haughty and insolent language; and without taking any notice of the distresses of the said Nabob, alledged and verified as before recited, "require and insist upon your [the Nabob's] granting tuncaws [assignments] for the full amount of their [the Company's] demands upon you for the current year, and on your reserving funds sufficient to answer them, *even should the deficiencies of your revenues compel you to leave your own troops unprovided for, or to disband a part of them, to enable you to effect it.*"

## VIII.

That in a letter, written at the same time to the Resident Purling, and intended for his directions in enforcing on the Nabob the unjust demands aforesaid, the said Warren Hastings hath asserted, in direct contradiction to the treaties subsisting between the said Nabob and the Company, "that he [the Nabob] stands engaged to our government to maintain the English armies, which, at his own request, have been formed for the protection of his dominions; and that it is our part, and not his, to judge and determine in what manner and at what time these shall be reduced and withdrawn." And in a minute of consultation, when the aforesaid measure was proposed by the said Hastings to the Supreme Council, he did affirm and maintain, that the troops aforesaid "had now no *separate* or distinct existence from ours, and may be properly said to consist of our *whole* military establishment, with the exception only of our European infantry; and that they could not be withdrawn without imposing on the Company the *additional burthen* of them, or disbanding nine battalions of disciplined sepoys, and three regiments of horse."

## IX.

That in the minute of consultation aforesaid, he [the said Warren Hastings] hath further, in justification of the violent and arbitrary proceedings aforesaid, asserted, "that the arrangement of measures between the British government and their allies, the native powers of India, must, in case of disagreement about the necessity thereof, *be decided by the strongest;*" and hath thereby advanced a dangerous and most indecently expressed position, subversive of the rights of allies, and tending to breed war and confusion, instead of cordiality and co-operation amongst them, and to destroy all confidence of the Princes of India in the faith and justice of the English nation: And he said Hastings having further, in the minute aforesaid, presumed to threaten to "bring to punishment, if my influence [his the said Hastings's influence] can produce that effect, *those incendiaries* who have endeavoured to make themselves the instruments of division between us," hath, as far as in him lay, obstructed the performance of one of the most essential duties of a Prince, engaged in an unequal and oppressive state—that of representing the grievances of his subjects to that more powerful Prince, by whose acts they suffer; leaving thereby the governing power in total ignorance of the effects of its own measures, and to the oppressed people no other choice than the alternative of an unqualified submission, or a resistance productive of consequences more fatal.

## X.

That all relief being denied to the Nabob, in the manner and on the grounds aforesaid, the demands of the Company on the said Nabob in the year following, that is to say, in the year 1780, did amount to the enormous sum of 1,400,000*l.* sterling, and the distress of the province did rapidly increase.

## XI.

That the Nabob, on the 24th of February of the same year, did again write to the Governor General, the said Warren Hastings, a letter, in which he expressed his constant friendship to the Company, and his submission and obedience to their orders; and asserting, that he had not troubled them with any of his difficulties, trusting they would learn them from other quarters, and



and that he should be relieved by their friendship: "But (he says) when the *knife had penetrated to the bone*, and I was surrounded with such heavy distresses, that I could no longer live in expectations, I then wrote an account of my difficulties. The Answer I have received to it is such, that it has given me inexpressible grief and affliction. I never had the least idea or expectation from you and the Council, that you would have given your orders in so *afflicting a manner, in which you never before wrote, and I could never have imagined*. I have delivered up all my *private papers* to him [the Resident] that after examining my receipts and expences, he may take whatever remains. That as I know it to be my duty to satisfy you [the Company and Council] I have not failed to obey in any instance; but requested of him that it might be done so as not to distress me in my *necessary expences*. There being no other funds but those for the expences of my *mutseddies* [clerks and accountants] household expences, and servants, &c. he demanded these in such a manner, that, being remediless, I was obliged to comply with what he required. He has accordingly stopped the *pensions of my old servants for thirty years, whether sepoy soldiers mutseddies secretaries and accountants or household servants, and the expences of my family and kitchen, together with the jaghires of my grandmother, mother, and aunts, and of my brothers and dependants, which were for their support.*"

## XII.

That in answer to the letter aforesaid, the Resident received from the said Warren Hastings and Council an order to persevere in the demand to its fullest extent, that is to say, to the amount of 1,400,000*l.* sterling.

## XIII.

That on the 15th of May the Nabob replied, complaining, in an humble and suppliant manner, of his distressed situation, that he had at first opposed the assigning to the use of the Company the estates of his mother, of his grandmother, of one of his uncles, and of the sons of another; but that, in obedience to the injunctions of the Gentlemen of the Council, it had been done, to the amount, on the whole, of 80,000*l.* sterling a year, or thereabouts: That whatever effects were in the country, with even his table, his animals, and the salaries of his servants, were granted in assignments: that besides these, if they were resolved again to compel him to give up the estates of his parents and relations, which were granted them for their maintenance, they were at the Company's disposal; saying, "If the Council have directed you to attach them, do it: in the country no further sources remain. I have no means; for I have not a subsistence.—How long shall I dwell upon my misfortunes?"

## XIV.

That the truth of the said remonstrances was not disputed, nor the *tone* in which they were written complained of, the same being submissive, and even abject, though the cause (his distresses) was such, as the said Hastings, in a great degree, and in terms the most offensive, attributed to the Nabob himself; but no relief was given, and the same unwarrantable establishments, maintained at the same ruinous expence, were kept up.

## XV.

That the said Warren Hastings, having considered as incendiaries those who advised the remonstrances aforesaid, and to prevent the same in future having denounced vengeance on those concerned therein, did, for the purpose of keeping in his own power all representations of the state of the Court and Country aforesaid, and to subject both the one and the other to his own arbitrary will, and to draw to himself and to his creatures the management of the Nabob's revenues, in defiance of the orders of the Court of Directors, a second time recall Mr. Bristow, the Company's Resident, from the Court of Owde; having once before recalled him, as the said Directors express themselves, "without the shadow of a charge being exhibited against him;" and having, on the occasion and time now stated, produced no specific charge against the said Resident;—and he the said Hastings did appoint Nathaniel Middleton, Esquire, to succeed him, it being his declared principle, that he must have a person of *his own* confidence in that situation.

## XVI.

That the said Warren Hastings, after he had refused all relief to the distresses of the Nabob, in the manner aforesaid, and had described those who advised the representation of the grievances of



of Owde as *incendiaries*, did himself, in a minute of the 21st May, 1781, describe that Province “as fallen into a state of great disorder and confusion, and its resources in an extraordinary degree diminished;” and did state, that his presence in the said Province was requested by the Nabob; and that unless some effectual measures were taken for his relief, he [the Nabob] must be under the necessity of leaving his country, and coming down to Calcutta, to represent the situation of his government. And Mr. Wheler did declare, that the Governor General’s representation of the state of that Province “was but too well founded; and was convinced that it would require his utmost abilities and powers, applied and exercised on the spot, to restore it to its former good order and affluence.”

## XVII.

That the said Warren Hastings, in consequence of the minute aforesaid, did grant to himself, and did procure the consent of his only colleague, Edward Wheler, Esquire, to a Commission or Delegation, with powers “to assist the Nabob Vizier, in forming such regulations as may be necessary for the peace and good order of his government, the improvement of his revenue, and the adjustment of the mutual concerns subsisting between him and the Company.”—And in the said Commission or Delegation he, the said Warren Hastings, did cause to be inserted certain powers and provisions, of a new and dangerous nature; (that is to say) reciting the business before mentioned, he did convey to himself “such authority to enforce the same, as the Governor General and Council might or could exercise, on occasions in which they could be warranted to exercise the same; and to form and conclude such several engagements or treaties with the Nabob Vizier, the Government of Barar, and with any Chiefs or Powers of Indostan, as he should judge expedient and necessary.” Towards the conclusion of the Act or Instrument aforesaid are the words following; viz. “It is hereby declared, that all such acts, and all such engagements or treaties aforesaid, shall be binding on the Governor General and Council in the same manner, and as effectually, as if they had been done and passed by the specific and immediate concurrence and actual junction of the Governor General and Council, in Council assembled.” And the said powers were, by the said Warren Hastings, given by himself and the said Wheler, under the seal of the Company, on the 3d July, 1781.

## XVIII.

That the said Commission, delegating to him, the said Warren Hastings, the whole functions of the Council, is destructive to the constitution thereof; and is contrary to the Company’s standing orders; and is illegal.

## XIX.

That in virtue of those powers, and the illegal Delegation aforesaid, the said Warren Hastings, after he had finished his business at Benares, did procure a meeting with the Nabob of Owde, at a place called Chunar, upon the confines of the country of Benares, and did there enter into a treaty, or pretended treaty, with the said Nabob; one part of which the said Warren Hastings did pretend was drawn up from a series of requisitions presented to him by the Nabob, but which requisitions, or any copy thereof, or of any other material document relative thereto, he did not at the time transmit to the Presidency; the said Warren Hastings informing Mr. Wheler, that the Resident, Middleton, had taken the *authentic* papers relative to this transaction with him to Lucknow: And it does not appear that the said Warren Hastings did ever reclaim the said papers, in order to record them at the Presidency, to be transmitted to the Court of Directors, as it was his duty to do.

## XX.

That the purport of certain articles of the said treaty, on the part of the Company, was, that in consideration of the Nabob’s *inability* (which inability the preamble of the treaty asserts to have been “repeatedly and urgently represented”) to support the expences of the temporary brigade, and of three regiments of cavalry, and also of the British officers, with their battalions, and of *other* Gentlemen, who were then paid by him, the several corps aforesaid, and the *other* Gentlemen (with the exception of the Resident’s office, *then on the Nabob’s list*, and a regiment of Sepoys for the Resident’s guard) should, after a term of two and a half months, be no longer at his [the Nabob’s] charge.—“The true meaning of this being, that no more troops than one brigade, and the pay and allowances of a regiment of Sepoys” (as aforesaid to the Resident) amounting in the whole to £. 342,000 a year, should be paid by the Nabob. And that *no officers, troops, or others, should be put upon the Nabob’s establishment*, exclusive of those in the said treaty stipulated.

## XXI. That



## XXI.

That the said Warren Hastings did defend and justify the said articles, in which the troops aforesaid were to be removed from the Nabob's establishment, by declaring as follows: "That the *actual* disbursements to those troops had fallen upon *our own funds*, and that *we* support a body of troops, established *solely* for the defence of the Nabob's possessions, *at our own expence*. It is true, we charge the Nabob with this expence; but the large balance already due from him shews too justly the little prospect there was of disengaging ourselves from a *burthen* which was daily adding to *our* distresses, and must soon become *insupportable*, although it were granted that the Nabob's debt, then suffered to accumulate, *might at some future period be liquidated*; and that this measure would substantially effect an instant relief to the pecuniary distresses of the Company."

## XXII.

That Nathaniel Middleton, the Resident, did also declare, that he would at all times testify, "that upon the plan of the foregoing years, the receipts from the Nabob were only a *deception*, and *not an advantage*, but an *injury* to the Company;" and "that a remission to the Nabob, of this *insufferable burthen*, was a *profit* to the Company." And the said Hastings did assert, that the force of the Company was not lessened by withdrawing the temporary troops; although (when it suited the purpose of the said Hastings, in denying just relief to the distresses of the said Nabob of Owde) he had not scrupled to assert the direct contrary of the positions by him maintained in justification of the treaty of Chunar, having, in his minute aforesaid, of the 15th of December, 1779, asserted, "that these troops" [the troops maintained by the Nabob of Owde] "had no *separate or distinct existence*, and may be properly said to consist of our whole military establishment, with the exception only of our European infantry; and that they could not be *withdrawn, without imposing on the Company the additional burthen of their expence*, or disbanding nine battalions of disciplined Sepoys, and three regiments of horse."

## XXIII.

That he, the said Warren Hastings, in justification of his agreement to withdraw the troops aforesaid from the territories and pay of the Nabob of Owde, did further declare, "that he had been too much accustomed to the tales of hostile preparation, and impending invasions, against all the evidence of political probability, to regard them as any other than phantoms, raised for the purpose of perpetuating or multiplying commands;" and he did trust "all ideas of danger from the neighbouring powers was altogether visionary; and that, even if they had been better founded, this mode of anticipating possible evils would be more *mischievous* than any thing they had reason to apprehend," and that the internal state of the Nabob's dominions did not require the continuance of the said troops; and that the Nabob, *whose concern it was, and not ours*, did affirm the same, notwithstanding he, the said Hastings, had before, in answer to the humble supplications of the Nabob, asserted, that "*it was our part, and not his, to judge and determine in what manner, and at what time, they should be reduced or withdrawn.*"

## XXIV.

That the said Warren Hastings, in support of his measure of withdrawing the said brigade, and other troops, did also represent, that "the remote stations of those troops, placing the Commanding Officers beyond the notice and controul of the Board, afforded too much opportunity and temptation for unwarrantable emoluments, and excited the *contagion of peculation and rapacity throughout the whole army*; and as an instance thereof, that a Court Martial, composed of Officers of rank and respectable characters, unanimously and honourably, "*most honourably*," acquitted an Officer upon an acknowledged fact, which in times of stricter discipline would have been deemed a crime deserving the severest punishment."

## XXV.

That the said Warren Hastings having in the letter aforesaid contradicted all the grounds and reasons by him assigned for keeping up the aforesaid establishment, and having declared his own conviction, that the whole was a fallacy and imposition, and a detriment to the Company instead of a benefit, circumstances (if they are true) which he might and ought to have



well known, was guilty of an high crime and misdemeanour, in carrying on the imposture and delusion aforesaid, and in continuing an insupportable burthen and grievance upon the Nabob, for several years, without attending to his repeated supplications to be relieved therefrom, to the utter ruin of his country, and to the destruction of the discipline of the British troops, by diffusing among them a general spirit of speculation; and the said Hastings hath committed a grievous offence in upholding the same pernicious system, until by his own confession and declaration, in his minute of the 21st of May, 1781, "the evils had grown to so great an height, that exertions will be required more powerful than can be made through the delegated authority of the Servants of the Company now in the Province; and that he was far from sanguine in his expectations, that *even his own endeavours would be attended with much success.*"

## XXVI.

That at the time of making the said treaty, and at the time when, under colour of the distress of the Nabob of Owde, and the failure of all other means for his relief, he the said Hastings broke the Company's faith with the parents of the Nabob, and first encouraged, and afterwards compelled him to despoil them of their landed estates, money, jewels, and household goods; and while the said Nabob continued heavily in debt to the Company, he the said Warren Hastings did, "*without hesitation,*" accept of, and receive from, the Nabob of Owde, and his Ministers (who are notoriously known to be not only under his influence, but under his absolute command) a bribe, or unlawful gift or present, of One Hundred Thousand Pounds sterling, and upwards: That even if the said pretended gift could be supposed to be voluntary, it was contrary to the express provision of the regulating Act of the 13th year of his Majesty's reign, prohibiting the receipt of all presents upon any pretence whatsoever, and contrary to his own sense of the true intent and meaning of the said Act, declared upon a similar but not so strong a case; that is, where the service done, and the present offered in return for it, had taken place before the promulgation of the above laws in India; on that occasion he declared, "that the exclusion, by an Act of Parliament, *admitted of no abatement or evasion,* wherever its authority extended."

## XXVII.

That the said Warren Hastings, confiding in an interest which he supposed himself to have formed in the East India House, did endeavour to prevail on the Court of Directors to violate the said Act, and to suffer him to appropriate the money, so illegally accepted by him, to his own profit, as a reward for his services.

## XXVIII.

That the said Warren Hastings has since declared to the Court of Directors, that when fortune threw a sum in his way (meaning the sum of money above mentioned) *of a magnitude which could not be concealed, he chose to apprise his employers of it;* thereby confessing, that but for the magnitude of the same rendering it difficult to be concealed, he never would have discovered it to them. And the said unlawful present being received at the time when, for reasons directly contradictory to all his former recorded declarations, he did agree to remove the aforesaid troops from the Nabob's dominions, and to recall the pensioners aforesaid, it must be presumed, that he did not agree to give the relief (which he had before so obstinately refused) upon the grounds and motives of justice, policy, or humanity, but in consideration of the sum of money aforesaid, which in a time of such extreme distress in the Nabob's affairs could not be rationally given, except for those and other concessions, stipulated for in the said treaty, but which had on former occasions been refused.

## XXIX.

That notwithstanding his the said Warren Hastings's receipt of the present of £. 100,000 as aforesaid, he did violate every one of the stipulations in the said treaty contained; and particularly he did continue in the country, and in the service of the Nabob of Owde, those troops which he had so recently stipulated to withdraw from his country, and to take from his establishment; for upon the 24th of December following, he did order the temporary brigade, making 10 battalions of 500 men each, to be again put on the Vizier's list; although he had recently informed the Court of Directors, through Edward Wheler, Esq. that any benefit to be derived from the Nabob's paying that brigade, was a *fallacy and a deception*, and that the same was a charge upon the Company, and not an *alleviation of its distresses*, as well as an *insupportable*



*portable burthen* to the Nabob. Thus having, within a short space of time, twice contradicted himself, both in declaration and in conduct.

## XXX.

That this measure, in direct violation of a treaty of not three months duration, was so injudicious, that, in the opinion of the Assistant Resident, Johnson, "nothing less than blows could effect it." He the said Resident further adding, "that the Nabob was not even able to pay off the arrears still due to it [the New Brigade]; and that the troops being *all* in arrears, and no possibility of present payment, so large a body assembled here [viz. at Lucknow] without any means to check and controul them, nothing but disorder could follow. As one proof that the Nabob is as badly off for funds as we are, I may inform you, that his cavalry rose this day upon him, and went all armed to the palace, to demand from 13 to 18 months arrears, and were with great difficulty persuaded to retire, which was probably more effected by a body of troops getting under arms to go against them, than any other consideration." But the letter of Warren Hastings, Esq; of the 24th of December, giving the above orders for the infraction of the treaty, and to which the letter, from whence the foregoing extracts are taken, is an answer, doth not appear, any otherwise than as the same is recited in the said answer.

## XXXI.

That, notwithstanding the disorders and deficiencies in the revenue aforesaid had continued and increased, and that three very large balances had accumulated, the said Warren Hastings did cause the Treasury accounts at Calcutta to be examined and scrutinized, and an account of another arrear, composed of various articles, pretended to have accumulated during seven years previous to the year 1779 (the articles composing which, if they had been just, ought to have been charged at the times they severally became due) was sent to the Resident, and payment thereof demanded, to the amount of £. 260,000 sterling; which unexpected demand, in so distressed a situation, did not a little embarrass the Nabob. But whilst he, and his Ministers, were examining into the said unexpected demand, another, and fifth balance, made up of similar forgotten articles, was demanded, to the amount of £. 140,000 sterling more. Which said two last demands did so terrify and confound the Nabob, and his Ministers, that they declared that the Resident "might at once take the country, since justice was out of the question."

## XXXII.

That the said Hastings, in order to add to the confusion, perplexity, and distress of the Nabob's affairs, did send to his Court (in which he had already a Resident and assistant Resident) two secret Agents, Major Palmer, and Major Davy, and did instruct Major Palmer to make a variety of new claims, one of a loan to the Company of £. 600,000 sterling, although he well knew the Nabob was himself heavily in arrear to the Company, and was utterly unable to discharge the same, as well as in arrear to his own troops, and to many individuals, and that he borrowed (when he could at all borrow) at an interest of near thirty per cent. To this demand was added a new bribe or unlawful present to himself to the amount of £. 100,000 sterling, which he did not refuse as unlawful, and of evil example, but as *indelicate* in the Nabob's present situation; and did, as if the same was his own property, presume to dispose of it, and to desire the transfer of it, as of his own bounty, to the Company his Masters. To this second demand, he, the said Hastings, added a third demand of £. 120,000 sterling, for four additional regiments on the Nabob's list, after he had solemnly engaged to take off the ten with which it had been burthened; the whole of the claims, through his private Agent aforesaid, making the sum of £. 820,000 sterling.

## XXXIII.

That the demands, claims, &c. made by the said Warren Hastings upon the government of Owde, in that year, amounted to the enormous sum of £. 2,530,000 sterling, which (joined to the arrears to troops, and some internal failures, amounting to £. 255,000 sterling more) the whole charge arose to £. 2,785,000 sterling, which was considerably more than double the net produce of the Nabob's revenue, the same only amounting to £. 1,450,000 "nominal revenue, never completely realized."

## XXXIV. That,



## XXXIV.

That, towards providing for these extravagant demands, he the said Warren Hastings did direct and authorize another breach of the public faith, given in the treaty of Chunar. For whereas, by the second Article of the treaty aforesaid, it was left to the Nabob's discretion, whether or not he should resume the landed estates, called Jaghires, within his dominions; and notwithstanding the said Hastings, in defence of the said Article, did declare, that the Nabob should be left to the exercise of his own authority and pleasure respecting them, yet he the said Hastings did authorize a violent compulsion to be used towards the said Nabob, for accomplishing an universal confiscation of that species of landed property; and in so doing he did also compel the Nabob to break his faith with all the landholders of that description, not only in violating the assurance of his own original grants, but his assurance recently given, when being pressed by the Company, he [the Nabob] had made a temporary seizure of the profits of the lands aforesaid, in the manner of a compulsory loan, for the re payment of which he gave his bonds and obligations; and although he had at the same time solemnly pledged his faith, that he never would again resort to the like oppressive measure, yet he the said Warren Hastings did cause him to be compelled to confiscate the estates of at least sixty-seven of the principal persons of his country, comprehending therein his own nearest relations, and the ancient friends and dependants of his family: The annual value of the said estates thus confiscated, amounting to £.435,000 sterling, or thereabouts, upon an old valuation, but stated by the Resident Middleton as being found to yield considerably more.

## XXXV.

That the violent and unjust measure aforesaid, subversive of property, utterly destructive of several ancient and considerable families, and most dishonourable to the British government, did produce an universal discontent, and the greatest confusion throughout the whole country; the said confiscated lands being on this occasion put to rack rents, and the people grievously oppressed. And to prevent a possibility of redress, at least for a considerable time, the said confiscated estates were mortgaged (it appearing otherwise impracticable to make an approach towards satisfying the exorbitant demands of the said Hastings) for a great sum, to certain usurious bankers or money dealers at Benares.

## XXXVI.

That besides these enormous demands, which were in part made for the support of several corps of troops under British officers, which, by the treaty of Chunar, ought to have been removed, very large extra charges, not belonging to the military list of the said Nabob, and several civil charges and pensions were continued, and others newly put on, since the treaty of Chunar; namely, an allowance to Sir Eyre Coote of 15,554 rupees per month (being upwards of £.18,664 sterling a year) and an allowance to Trevor Wheler, Esquire, of 5,000 rupees per month (or £.6,000 sterling, and upwards, a year) and the whole of the settled charges, not of a military nature, to British subjects, did amount to little less than £.140,000 yearly; and if other allowances, not included in the estimate, were added, would greatly exceed that sum, besides much more which may justly be suspected to have been paid, no part whereof had at that time been brought forward to any public account.

## XXXVII.

That the Commander of one of these corps, of whose burthen the said Nabob did complain, was Lieut. Colonel Alexander Hannay, who did farm the revenues of certain districts, called Baraitch and Gorachpore, which the said Hastings, in the 9th Article of his instructions to Mr. Bristow, did estimate at 23 lacks of rupees, or £.230,000 per annum; but under his, the said Hannay's management, the collections did very greatly decline; complaints were made that the countries aforesaid were harrassed and oppressed, and the same did fall into confusion—and, at last, the inhabitants broke out into a general rebellion.

## XXXVIII.

That the far greater part of the said heavy list was authorized or ordered, by him the said Warren Hastings, for the purpose of extending his own corrupt influence. For it doth appear, that at the time when he did pretend, in conformity to the treaty of Chunar aforesaid, to remove the Company's servants, "*civil and military*, from the Court and service of the Vizier," he did assert, that he thereby did "*diminish his own influence*, as well as that of his colleagues,



“ by narrowing the line of *patronage* ;” which proves, that the offices, pensions, and other emoluments aforesaid, in Owde, were of *his* patronage, as his patronage could not be diminished by taking away the said offices, &c. unless the same had been substantially of his gift ; and he did, at the time of the pretended reformation aforesaid, express both his knowledge of the existence of the said excessive and abusive establishments, and his sense of his duty in taking them away ; for in agreeing to the article in the treaty of Chunar, for abolishing the said establishments, he did declare himself “ actuated solely by motives of *justice* to the Nabob, and a regard to the *honour of our national character* ;” and according to his own representation, the said servants of the Company, civil and military, “ by their numbers, their influence, and the *enormous amount* of their salaries, pensions, and emoluments, were an *intolerable burthen* on the revenues and authority of the Vizier ; and exposed us to the *envy and resentment of the whole country*, by excluding the native servants and adherents of the Vizier from the rewards of their services and attachment.”

## XXXIX.

That the revenue of the country being anticipated, mortgaged, and dilapidated by the counsel, concurrence, connivance and influence, and often by the direct order of the said Warren Hastings, the whole civil government, magistracy, and administration of justice, gradually declined, and at length totally ceased, through the whole of the vast provinces which compose the Territory of Owde ; and no power was visible therein, but that of the Farmers of the Revenue, attended by bodies of troops to enforce the collections : inasmuch that robberies, assassinations, and acts of every description of outrage and violence, were perpetrated with impunity ; and even in the capital City of Lucknow, the seat of the Sovereign Power, there was no Court of Justice whatever to take cognizance of offences.

## XL.

That the said Warren Hastings, when he did interfere in the Government of Owde, was obliged by his duty to interfere for the good purposes of Government, and not merely for the purpose of extorting money therefrom, and enriching his own dependants, which latter purpose alone he did effect in the manner before mentioned, but not one of the former. For the said Hastings having procured the extraordinary powers given by and to himself by his delegation of the 3d of July, 1781, did declare the same to be for the purpose, among many others “ of assisting the Nabob Vizier in forming such regulations as may be necessary for the peace and good order of his Government, and the improvement of his Revenue.” And in consequence of the said powers the said Warren Hastings did, in the treaty of Chunar, obtain an article from the Nabob, by which the said Nabob did promise to attend to his advice in the reformation of his civil administration ; and he did give certain instructions to the Resident Middleton, to which he did require him to yield *the most implicit obedience* ; and did in one article thereof direct him to urge the Nabob to endeavour gradually, if it could not be done at once, to establish Courts of Adawlet [Justice] and that the Darogas [Chief Criminal Magistrates] Moulabies [Consulting or Assistant Lawyers] and other officers, should be selected by the Ministers, with his, the Resident’s concurrence : And afterwards, in his instructions to the Resident Bristow, desiring him to pursue the same object, he declared his opinion, “ that the want of such Courts, and the extreme licentiousness occasioned thereby, is one of the most disreputable defects in his Highness the Nabob’s Government. And that while they do not exist, every man knows the hazard which he incurs in lending his money.” But he did give him, the said Resident, no positive instruction concerning the same, supposing the establishment of such Courts a matter of difficulty ; and did therefore leave him a latitude in his proceedings therein.

## XLI.

That the said Resident Bristow did, however, in conformity to the said instructions, at last given with such latitude, endeavour to prevail on the said Minister gradually to introduce Courts of Justice for the cognizance of crimes, by beginning to establish a Criminal Court under a native Judge, to judge according to the Mahomedan law in the city of Lucknow. But Hyder Beg Khan, a Minister of the said Warren Hastings’s nomination, and solely dependent upon him, did elude and obstruct, and in the end totally defeat the establishment of the same.

## XLII.

That the obstruction aforesaid, and the evil consequences thereof, were duly represented to the said Hastings ; and though the said Hastings had made it in the fourth article of a criminal



charge against the Resident Middleton, “ that he did not report to the Governor General, or “ to the Board, the progress which he had made from time to time in his endeavours to “ comply with his instructions; and that, if he met with any impediments in the execution “ of them, he had omitted to state those impediments, and to apply for fresh orders upon “ them;”—yet he the said Hastings did give no manner of support to the Resident Bristow against the said Hyder Beg Khan, and did not even answer several of his letters, the said Bristow’s letters, stating the said impediments, or take any notice of his remonstrances; but did at length revoke his own instructions, declaring that he, the said Resident, should not presume to act upon the same; and yet did not furnish him with any others upon which he might act, but did uphold the said Hyder Beg Khan in the obstruction by him given to the performance of the first and fundamental duty of all government; namely, the administration of justice, and the protection of the lives and property of the subject against wrong and violence.

### XLIII.

That the said Hastings did afterwards proceed to the length of criminating the Resident Bristow afore said, for his endeavours to establish the said necessary Court, as an invasion of the rights of the Nabob’s government; when, if the Nabob, in his own proper person and character, and not the afore said Hyder Beg (who was a creature of the said Hastings) had opposed the re-establishment of justice in the said country, it was the duty of the said Hastings to have pressed the same upon him by every exertion of his influence. And the said Warren Hastings, in his pretended attention to the Nabob’s authority, when exercised by his the said Hastings’s Minister, to prevent the establishment of Courts of Justice for the protection of life and property, at the same time that he did not hesitate, in the case of the confiscation of the jaghires, and the proceedings against the mother and grandmother of the Nabob, totally to supersede his authority, and to force his inclinations in acts which overturned all the laws of property, and offered violence to all the sentiments of natural affection and duty; and accusing at the same time his instruments for not going to the utmost lengths in the execution of his said orders, is guilty of an high crime and misdemeanor.

### XLIV.

That the said Hastings did highly aggravate his offence, in discontinuing and discouraging the re-establishment of magistracy, law, and order, in the country of Owde, inasmuch as he did, in the eighth article of his instructions to the Resident, order him to exercise powers which ought to have been exercised by lawful magistrates, and in a manner agreeable to law. And in the said article he did state the prevalence of rebellion in the said country of Owde, as if rebellion could exist in a country in which there was no magistracy, and no protection for life or property, and in which the native authority had no force whatever; and in which he himself states the exercise of British authority to be an absolute usurpation: And he did accordingly direct a rigorous prosecution against the offence of rebellion under such circumstances, but “ with a fair and impartial enquiry;” when he did not permit the establishment of those courts of justice and magistracy, by which alone rebellion could be prevented, or a fair and impartial enquiry relative to the same could be had. And particularly he did instruct the said Resident to obtain the Nabob’s order for employing some sure means for apprehending certain Zemindars, and particularly three, in the instruction named, whom he the said Hastings did cause, upon what he calls good information, founded upon some facts, to which he asserts he has the testimony of several witnesses, “ that they had the destruction of Colonel Hannay, and the officers “ under his command, as their immediate object, and ultimately the extirpation of the English “ influence and power throughout all the Nabob’s dominions;” and that they did still persevere in their rebellious conduct without deviation, “ though the Nabob’s, and not our government, “ was then the object of it.” And he did direct the said Resident, that if it should appear, “ *on “ a fair and regular enquiry,* that their conduct towards the Nabob had been such as it had “ been reported to be, to insist upon the Nabob’s punishing them with *death*; and to treat “ with the same rigour every Zemindar, and every subject, who shall be the leader in a rebellion “ against his authority.”

### XLV.

That the crime of the said Hastings, in his procedure afore said, was further highly aggravated by his having received information of several striking circumstances, which strongly indicated the necessity of a regular magistracy and a legal judicature, from the total failure of justice, affecting not only the subjects at large, but even the reigning family itself; as also of the causes why no legal magistracy could exist, and why the Princes of the reigning family were not only exposed to the attacks of assassins, but even to a want of the protection which might be had from their servants and attendants, who were driven from their masters for want  
of



of that maintenance which the Princes their masters could not procure even for themselves. And the circumstances aforesaid were detailed to him the said Hastings by the Resident Bristow, in a letter from Lucknow, dated the 29th of January, 1784, to the Governor General, the said Warren Hastings, and the Council of Bengal, in the terms following :

“ The frequent robberies and murders perpetrated in his Excellency’s, the Vizier’s dominions, have been *too often* the subject of my representations to your Honourable Board. From the total want of police, hardly a day elapses, but I am informed of some tragical event, whereof the bare recital is shocking to humanity. About two months since an attempt was made to assassinate Rajah Ticket Roy, the acting Minister’s confidential Agent; but he happily escaped unhurt. Nabob Bahadur, *his Highness’s brother*, has not been so fortunate, as will appear from translations of two of his letters to me, No. 1, which I have the honour to enclose for your information. Although my feelings are sensibly hurt, and my compassion strongly excited by *the disgraceful and miserable state of poverty to which his Excellency’s brothers are reduced*, yet, situated as I am, it is not in my power to interfere with effect. My efforts on a former occasion failed of success, *and my interposition now would only excite the resentment of the Minister towards the unhappy sufferers, in consequence of their application to me, from whom ALONE, however, they hope for relief from their present distress*; which, their near connection with the Vizier considered, is both shameful and unprecedented. That no regular courts of justice have been established in this country is particularly pointed at in my instructions as the most disreputable defect in his Highness’s government; yet the Minister seems determined on abolishing even the shadow of so necessary an institution. The office of Chief Justice, as held by Molovy Morobine, was ever nugatory; but now it is sunk into the lowest contempt. The original establishment, inadequate as it was, is mouldering away, and the officers now attached to it are literally starving, as no part of their allowance has been paid for above six months past. He himself has proposed to resign his appointment, being every way precluded from a possibility of exercising the duties of it.”

#### XLVI.

That it appears by the said letter, and the papers therewith transmitted, as well as other documents in the said correspondence, that in consequence of the distress brought upon the Nabob’s finances, certain of the Princes his brethren, the children of Sujah ul Dowlah, the late Sovereign of the country, were put upon pensions unsuitable to their birth and rank, and by the mismanagement of the Minister aforesaid (appointed by the said Warren Hastings) for two years together no considerable part of the said inadequate pension was paid; and not being able to maintain the attendants necessary for their protection in a city in which all magistracy and justice was abolished, they were not only liable to suffer the greatest extremities of penury, but their lives were exposed to the attempts of assassins. The condition of one of the said Princes, called the Nabob Bahadur, being by himself strongly expressed in three letters to the said Resident Bristow, the first dated the 28th of December, 1783; the second, the 7th of January, 1784; and the third, the 15th of January, 1784; which letters were duly transmitted in the dispatch of the 29th of the same month to Warren Hastings, Esquire, and are as follow :

“ Your own servant carried you the account of what he himself was an eye-witness to, after the affair of last night. These are the particulars:—About midnight my aunt received twelve wounds from a ruffian, of which she died. I also received six successive stabs, which alarmed the people of the house, who set up a shouting; whereupon the assassin run off. Besides being *without food, or the means of providing any*, this misfortune has befallen me. *I am desirous of sending the coffin to your door.* It is your duty, both for the sake of God and of Christ, to execute justice, and to enquire what harm I have done to the murderer sufficient to deserve assassination, or even injury. *You now stand in the place of his Excellency the Vizier.* I request you will do me justice. What more can I say?

P. S. “ I am also desirous to shew you my wounds.”

*From the same, 29th January, 1784.*

“ You have been duly informed of all the circumstances relative both to the murder of the innocent, and of my being wounded, as well by my former letter, as by the messenger whom you sent to enquire into the state of my health; and I have every reason to hope, from your known kindness, that you will not be deficient in seeking out the assassin. *I am at this moment overwhelmed in misfortune. Whilst the blood is flowing from my wounds, neither I, nor my children, nor my servants, have wherewithal to procure subsistence*; nor have I it in my power either to purchase remedies, or to reward the physician—*’tis for the sake of God alone that he* attends



“ *attends me.* Thus loaded with calamity upon calamity, I am unable to support life, for I  
 “ find no relief from any affliction either day or night. Do you now stand in the place of my  
 “ father; grant me fresh life by speedy acts of benevolence.

“ For these two last years his Excellency established a pension for me of twenty thousand  
 “ rupees; but I never received the full amount of it, either last year or the year before. Should  
 “ it, however, be paid me, though inadequate to my desires, I shall still be enabled to support  
 “ myself. From the beginning of this year to the present time, I have not received a farthing,  
 “ nor do I expect any, though, if you afford protection to the oppressed, all my wishes will  
 “ be accomplished. I was desirous of waiting on you with my family, that you might be an  
 “ eye witness to their condition; but I was advised not to stir out on account of my wounds.  
 “ What more can I say?”

*The following Extracts are made from the Third Letter from the same Prince, dated January 15, 1784.*

“ The particulars of the late and unforeseen misfortune, with which I have been overwhelmed,  
 “ are not unknown unto you; that the innocent blood of my aunt, *the prop and ruler of my*  
 “ *family*, was shed, and in the same manner too I was wounded. Until now I feel the pain and  
 “ affliction of my wounds; and *no person has regarded my solicitations for redress, sought after the*  
 “ *assassin, and brought him to condign punishment, yourself excepted.*”—“ In like manner, as the  
 “ Honourable Governor General has adopted my brother Saadut Ally Cawn for his son, and  
 “ relieved him from the vexation, affliction, and dependence of this place, would it be extra-  
 “ ordinary that you also should, in your bounty and favour, consent to adopt me, who do not  
 “ possess the necessaries of life, and permit me to attend you to whatever part of the world you  
 “ may travel, whereby I shall at all times derive honour and advantage? Formerly us three  
 “ brothers, Saadut Ally, Myrza Jungly, and I, the poor and oppressed, were, in the presence  
 “ of our blessed father, whose soul rests in heaven, treated alike. Now the Ministers of this  
 “ Government put me upon a footing with our younger brothers, who have lately left the  
 “ Zenana, and whose expences are small. On this scale, which is in every respect insufficient  
 “ for my maintenance, they pay *the pitiful allowance only when it is their pleasure to do it.* My  
 “ situation has for years past been increasing in wretchedness, to a degree that *I am in want of*  
 “ *daily bread, and my servants and animals are dying of hunger. My distresses are so great that I*  
 “ *have not been able to pay a daum to the surgeons for the cure of my wounds; and they too are*  
 “ *discouraged from affording me their assistance, or furnishing me with medicines.* How then is it  
 “ possible for me to exist? Considering you as my patron, participating in my afflictions, I have  
 “ represented the circumstances concerning my situation; and I hope, from your friendship,  
 “ that you will honour me with a favourable answer.”

#### XLVII.

The Resident Bristow did also receive a strong application from three others of the brethren of the reigning Sovereign, called Mirza Hyder Ali, Mirza Enayut Ali, and Mirza Syef Ali, representing their very pitiable case, in a letter of the 9th of March, 1783, in which, among other particulars, are contained the following:

“ Our situation is not fit to be represented. *For two years we have not received a hubba*, on  
 “ account of our tuncaw [assignment on the revenue] though the Ministers have annually  
 “ charged a lack of rupees, and never paid us any thing. *After all, we are the sons of Suja ul*  
 “ *Dowlah!* It is surprising, having such a friend as you, our situation is arrived at that pass,  
 “ that we should be in distress for *dry bread and cloaths.* Whereas you have done many gene-  
 “ rous acts, be pleased so to shew us your favour, that by some means we may receive our  
 “ allowances from the Company’s treasury, and not be obliged to depend upon, and solicit  
 “ others for it.”

#### XLVIII.

That one of the Princes aforesaid, called the Mirza Jungly, about the beginning of the year 1783, was obliged to fly from the dominions of the Nabob of Owde, and to leave his country and connections, and as the Resident Bristow, writing from Lucknow, hath observed, “ he  
 “ went to try his fortune at other courts, in preference to starving at home, which might have  
 “ been his fate, by all accounts, at this place.” And the said Prince sought for succour at the court of one of the neighbouring Mahomedan Princes; but conceiving some disgust at the treatment he met with there, he departed from thence, and on the 8th of February, 1783, arrived at the Mahratta camp, while David Anderson, Esquire, was there in the character of  
 Minister



Minister Plenipotentiary to the Company, with a view, if his reception there should not prove answerable to his wishes, to pass on to the southward. And the said Anderson, probably considering this event as of very great importance to the honour of the British government, as well as to its interest on the one hand, by exhibiting the son and brother of a Sovereign Prince, from whom the Company had received many millions of money, a fugitive from his country, and a wanderer for bread through the Courts of India; and on the other, the consequences which might arise from the Mahrattas having in their possession, and under their influence, a son of the late Nabob of Owde, did without delay advise Warren Hastings, Esquire, of the event aforesaid; and he did write also to Mr. Bristow, the Resident at the Court of the Nabob Vizier, several letters of the 9th and 20th of February, and of the 6th of March, and 6th of April, 1783, in order that some steps should be taken for his return, and establishment in his own country. And the said Anderson did inform the Resident Bristow, in his letter aforesaid, that on the arrival of the fugitive Prince, brother of the reigning Sovereign of Owde, at the Mahratta camp, he did cause his tent to be pitched close to that of Mr. Anderson; but finding this not agreeable to the Mahratta General, Scindia, he afterwards removed: and that he shewed a strong attachment to the English, and was inclined to throw himself upon their generosity; that he was desirous of going to Calcutta, and declared, that if he, the said Anderson, "would give him the smallest encouragement, he would quit all his followers, and come alone, and "would take up his residence under his protection." And the said Anderson did declare, that he thought it "would be policy, and much to the credit of our government, that some provision should be made for Mirza Jungly in our territories."

#### XLIX.

That the said Bristow did represent the aforesaid circumstances to Hyder Beg Khan, Minister to the Nabob of Owde, declaring it his opinion, "that his Highness's brothers thus taking "refuge with a foreign Prince is a reflection upon the Vizier, and it would be advisable that "an allowance should be granted to him, upon the footing of his brothers, that he might "remain in the presence." But the Nabob was induced to refuse to his brother any offer of any allowance beyond the two hundred pounds per month, allowed, but not paid, to his other brothers; and which the said Prince did observe to Mr. Anderson, "that it was not only inadequate to his expences, but infinitely less (as the truth was) than what his Excellency has "settled on many persons of inferior rank, who have not so good a claim to his support; and "that it would not be sufficient to enable him to live at Lucknow, where all his friends and "relations were, and so many of his inferiors lived in a state of affluence." In case, therefore, it could not be increased, he requested leave to live in the Company's provinces, or at Calcutta; for that in any of these situations "he could with less difficulty regulate his expences." And he did declare, that if his request was granted to him, he would immediately quit all his prospects with Scindia. To these propositions he received a very discouraging answer from his brother's Minister, containing a positive and final refusal of any increase of allowance, obtaining only the Nabob's permission to retire into the Company's provinces: but Mr. Anderson did not think himself authorized to take any steps for the Prince's retreat into the said province, without Scindia's concurrence, who, he observed, would use every art to detain him; and accordingly did offer him the command of a battalion of infantry, to be paid directly from his own treasury, and 6,000*l.* sterling a year for keeping up a corps of horse, and to settle upon him a landed estate of 4,000*l.* a year as a provision for his wife and children; which honourable offers it appears he did accept, and did and doth remain in the Mahratta service.

#### L.

That during the whole course of this transaction, the said Warren Hastings was duly advised thereof, first by a very early letter from the said Anderson, and afterwards by the Resident Bristow, who, on the 23d of April, 1783, transmitted to him his whole correspondence with Mr. Anderson. But what answer or instructions the said Warren Hastings did give to Mr. Anderson does not appear, he not having recorded any thing upon that subject. But it appears, that to the Resident Bristow, who required to be informed whether the reception of the fugitive Prince aforesaid in the Company's provinces would meet his approbation, he gave no answer whatsoever; by which criminal neglect, or worse, with regard to a brother of an ally of the Company, who shewed a strong attachment and preference to the English nation, and by suffering him, without any known effort to prevent it, to attach himself to the cause and fortunes of the Mahrattas, who he, the said Hastings, well knew did keep up claims upon several parts of the dominions of Owde, and had with difficulty been persuaded to include the Nabob in the treaty of peace, and suffered him first to languish at home in poverty, and then to fly abroad for subsistence, and afterwards took no step, and countenanced no negotiations for his return from his dangerous place of refuge, at the same time that several of his the said Hastings's creatures, had each of them allowances much more considerable than



would have sufficed for the satisfaction and comfort of him the said fugitive prince—was guilty of a high crime and misdemeanor.

## LI.

That the indigent condition before related of the other brothers of the Nabob, was also duly transmitted to the said Warren Hastings, but he did never order or direct any steps whatsoever to be taken towards the relief of the family of a reigning Prince, who were daily in danger of perishing by famine, through the effect of his measures, and those of a person whom he supported in power, against the will and inclinations of his said Prince and his family.

## LII.

That the foregoing instances of the penury, distress, dispersion, and exile of the reigning family, as well as the general disorder in all the affairs of Owde, did strongly enforce the necessity of a proper use of the British influence (the only real government then existing) in the province aforesaid, for a regulation of the economy of the Vizier's court, as well as for the proper administration of the public concerns, civil and military, which were in the greatest disorder; and the said Warren Hastings was under obligation to provide for the same, and did himself understand it to be his duty so to do; and that he was therein warranted by the spirit of the treaty of Chunar, as well as by other universal powers of controul, and even of supercession, supposed by him to exist in the relation between the British government and that of Owde, and accordingly he did, in his instructions to the Resident Middleton, to which he required his most implicit obedience, direct him to an interference in and controul upon all the affairs concerning the revenues, the military arrangements, and all the other branches of the Nabob's government.

## LIII.

That upon his recall of the said Middleton, he, in his instructions to the Resident Bristow, dated 23d of October, 1781, did at large set forth the situation of the Court and government of Owde, the situation and character of the Nabob, of the acting Minister, and of the British Resident at that court; and did plainly, distinctly, and without reserve, describe the extent of the authority to be exercised by the last of these persons, as well as the unqualified compliance to be expected from the two former. And he did accordingly declare that “*from the nature of our connection with the government of Owde, and from the Nabob's incapacity, a necessity will for ever exist, while we have the claim of a subsidy upon the resources of his country, of exercising an influence, and frequently substituting it ENTIRELY, in the place of an avowed and constitutional authority in the administration of his [the Nabob's] government;*” and he did further in the said instructions, namely, in instruction the fourth, direct the said Resident in the words following:—“*I must have recourse to you for the introduction of a new system in that government; nor can I omit, whilst I express my reliance on you for that purpose, to repeat the sentiments which I expressed in the verbal instructions which I gave you at your departure, that there can be no medium in the relation between the Resident and the Minister, but either the Resident must be the slave and vassal of the Minister, or the Minister at the absolute disposal of the Resident.*” And he the said Hastings did state, in the same article of the instructions aforesaid, that though the conduct of the said Hyder Beg Khan had been highly reprehensible, and that he was much displeased thereat, he would prefer him to any other, on account of his ability and knowledge of business, with the following proviso, “*if he would submit to hold his office on such conditions as I require. He exists by his dependence on the influence of our government. It must be advisable to try him by the mode of conciliation; at the same time that in your final conversation with him it will be necessary to declare to him, in the plainest terms, the footing and condition on which he shall be permitted to retain his place; with the alternative of a dismissal, and a scrutiny into his conduct, if he refuses it. In the first place, I will not receive from the Nabob, as / is, letters dictated by the spirit of opposition; but shall consider every such attempt as an insult on our government. In the second place, I shall expect that nothing is done in his official character but with your knowledge and participation.*”

## LIV.

That the said Hastings having described, in the manner aforesaid, the relative situation of the Resident and the Minister, he did state also the relative situation of the said Minister and his master the Nabob, declaring, “*that the Minister did hold, without controul, the unparticipated and entire administration, with all the powers annexed to that government; the*”

“*Nabob*”



"Nabob being, as he ever must be in the hands of some person, a mere cypher in his" [the Minister's.] And having thus stated the subordination of the Minister to the Resident, and the subordination of the Nabob to the Minister, he did naturally declare, " that the first share of the responsibility would rest upon the said Resident." And he did further declare, " that the other conditions did follow distinctly in their places, because he did consider the Resident as responsible for them."

## LV.

That for the direction of the Resident in the exercise of so critical a trust, wherein all the true and substantial powers of government were in an inverted relation and proportion to the official and ostensible authorities, and which the said Hastings did suppose the necessity constantly existing for exercising an influence, and frequently for substituting *entirely* the British authority " in the place of the avowed and constitutional government," he, the said Hastings, did properly leave to the Resident a discretionary power for his deviation from any part of his instructions; interposing a caution for his security and direction, that as much as he could, he would leave the subject free for his [the said Hastings's] correction of it; and would instantly inform him, or the Board, according to the degree of its importance, with his reasons for it.

## LVI.

That besides the institution of the courts of justice, as before recited, four other principal objects in the reformation of the affairs of Owde, were expressly recommended to the Residents Middleton and Bristow, and must be understood to be the conditions upon which the said Hastings must have meant to have it understood that the acting Minister of Owde was to hold his employment; namely, the limitation of the Nabob's personal expences; the reduction of the Nabob's troops in number, and the change in arrangement; the appointment of proper collectors for the revenues; and the appointment of proper officers for all parts of the executive administration.

## LVII.

That the first object, namely, that of the limitation of the Nabob's personal expences, and separating them from the public establishments, he the said Hastings did state as the first and fundamental part of his regulation, and that upon which all the others would depend; and did declare, " that in order to prevent the Vizier's alliance from being a clog instead of an aid to the Company, that *the most essential* part is to *limit and separate* his personal disbursements from the public accounts: *They must not exceed* what he has received in any of the last three years." And as to the public treasury and disbursements, he the said Hastings did, in the said instructions, wholly withdraw them from the personal management or interference of the Nabob, and did expressly order and direct, " that they should be under the *sole* management of the Ministers, with the Resident's concurrence." And on the appointment of the Resident Bristow, in October, 1782, he the said Hastings did order and direct him in every point of the instructions to Middleton, not revoked or qualified by his then instructions, his [the said Resident Bristow's] " most attentive and literal obedience."

## LVIII.

That the said Resident Bristow did, in consequence of the renewal to him of the said instructions as aforesaid, endeavour to limit and put in order the Nabob's expences; but he was in that particular traversed and counteracted, and in the end wholly defeated, by the Minister Hyder Beg Khân. And though the obstructions aforesaid, agreeably to the instructions given to Middleton, and to him the said Bristow, were represented to the said Warren Hastings, by the Resident aforesaid, yet the said Warren Hastings did give no kind of support to the said Resident, or take any steps towards enabling him, the said Resident, to effectuate the said necessary limitation and distribution of expences, by himself the said Hastings ordered and prescribed; nor, if he disapproved the proceedings of the said Resident, did he give him any instruction for the forbearance of the same, or for the exerting his duty in any other mode; nor did he call for any illustration from him of any thing doubtful in his correspondence, nor state to him any complaint made privately of his conduct, in order to receive thereon an explanation; but he did leave him to pursue, at his discretion, the extensive powers before described, to effect the reformation which he was directed to accomplish, under the responsibility denounced to him as aforesaid, if he should fail therein, as he was supposed to be substantially invested with all the powers of government.

## LIX. That



## LIX.

That instead of the said support or instruction, he the said Hastings did countenance, or more probably cause or direct a representation to be made to him by the acting Minister of the Nabob of Owde, complaining grievously of the proceedings of the Resident aforesaid, as usurpations on the Nabob's authority, and indignities on his person. And although he the said Hastings did instruct the Resident Bristow to inform the said Hyder Beg Khân, that he would not receive from the Nabob, as *his*, letters directed by the spirit of opposition, but should consider every such attempt as his (the Minister's) as an insult on our government; yet he did receive, as *his*, the Nabob's own letters, and as written from the impressions on his own mind, and as the suggestions of his own judgment, letters to the same effect as those written by the Minister, although he had declared upon record, that the said "Nabob was a mere cypher in his the said Minister's hands," and "that he had dared to use both the Nabob's name, and even his seal, affixed to letters either directed to the Nabob, or written as from him, without his knowledge;" and although he did assert or record as aforesaid, that in a letter which he had lately received from the Nabob, the Minister had the presumption to make the Nabob declare that which was *true* to be *false*; and that "his *making use* of the Nabob in such a manner, did shew how thin the veil was by which *he* covered *his own acts*; and that such artifices would only tend to make them the more criminal, from the *falsehood and duplicity with which they were associated*."

## LX.

That the said Hastings did act upon the letters pretended to be written by the Nabob, as well as on those actually written by the Minister, without previously communicating the matter of the said complaint to the said Resident, and did give credit to the same; and coming as aforesaid from a person by himself (the said Hastings) charged with artifice, falsehood, and duplicity, and with abusing to his own evil purposes the name and seal of his master, without his knowledge, and without any previous enquiry into the facts and circumstances; and did thereon ground an accusation against the said Resident Bristow, before the Board at Calcutta, in which he did represent the conduct of the said Bristow, in attempting to limit the household expences of the Nabob, as an indignity "which no man living, however mean his rank in life, or dependent his condition in it, would permit to be exercised by any other, with the want of forfeiture of every manly principle." And he did further accuse the said Bristow, for that in his proceedings in the regulation of the Nabob's household, "he should receive to himself, or Mr. Cowper for him, or a treasurer for both (for the arrangement has never been well defined) the money assigned for the support of the Nabob's household; issue them as he pleased, not to the Nabob, but to the menial officers of his household; dispose of his superfluous horses, and other cattle; determine how many elephants were necessary to the state of the Vizier of the empire; the number of domestics for his attendance; and pry into the kitchen, for the purpose of ascertaining the quantity of victuals which ought to be dressed in it; controul the accounts of these disbursements; and appropriate to his own use (for that the consequence was inevitable, if he chose it) the residue produced by those economical retrenchments."

## LXI.

That the said charge is malicious and insidious, because the attempt to introduce proper officers for the management of household expences, so considerable that the said Hastings has stated the allotment for the same at £.300,000 sterling, yearly, and that other accounts have carried it to £.400,000 sterling, and upwards, and to keep proper and regular accounts thereof was a necessary regulation, and agreeable to the dignity of the Nabob, and by no means a degradation either of his person or authority, which was specially provided for in the regulations, as no expence could be incurred but by his own personal warrant under his sign manual; nor doth there appear therein any thing but what is of absolute necessity to prevent embezzlement to his prejudice. And the said Hastings hath declared, in the fifth article of the instructions to the said Resident, that *no* administration can be properly conducted without regular offices; and that in the whole province of Owde, "there was *not one*, the *whole* being engrossed by the Minister;" of which Minister, in the fourteenth article, he declares his suspicion, that the Nabob did not receive the whole and punctual payment of the sum assigned for the purpose of the household, but that some part had been by him withheld from the Nabob; and that from private information he had lately received, he had reason to believe that this was actually the case. And the said Hastings well knew that the Nabob's household had been ill conducted; that the allowances of his servants had not been paid; that his distress was scandalous; and that his nearest relations were in a famishing condition: and the said Hastings did also well



well know, that the household of the Nabob was provided for or neglected, not at his own discretion, but at that of the said Hyder Beg Khan; and he did, in the 14th article aforesaid, instruct the Resident, Bristow, to shew every ostensible and external mark of respect to the Nabob, in order to induce him to become himself the mover of every act necessary for the advancing of his own interests, and the discharge of his debts to the Company, declaring, "that they never could be effected while the Minister retained that ascendancy over him which he at present holds by the means of a nearer and more private intercourse, and by affecting to be the mediator of his rights against the claims of our Government."—And the said Hastings did further well know, that there was no way of ascertaining either the payment of the assignments for the Nabob's household, for the general purposes of their destination, or to the particular objects to which they ought to be applied, without regular offices of receipt and of account, which might prevent the said Minister, Hyder Beg Khan, or the British Resident, or any other, from embezzling or misapplying the same. But the total want of offices aforesaid in every department of Government, did furnish occasion of concealing all frauds, clandestine presents, or pensions to a Governor General, Commander in Chief, or other servant of the Company.

## LXII.

That the said Warren Hastings, who did pretend so deep a concern for the indignities supposed to be suffered by the Nabob, merely in the limitation and regulation of unnecessary expences relative to his kitchen, domestics, &c. did shew no attention or compassion to the said Nabob, when, in the year 1779, the said Nabob represented that the pensions of his old servants for 30 years, the expences of his family and kitchen, together with the jaghires of his grandmother, mother, and aunts, and of his brothers and dependants, given for their support, were not *regulated*, but *stopped*.

## LXIII.

That the other articles of regulation, namely, the reform of the troops in number and in arrangement, the appointment of proper Collectors for the revenues, and the general constitution of offices for the executive Administration, were in like manner totally defeated by the said Hyder Beg Khan. And the said Hastings did receive a charge from him, and did adopt it as his own, representing the endeavours of the Resident to act in the regulations aforesaid agreeably to the spirit of his instructions, and in confidence of the powers vested in, and the responsibility imposed upon him the said Resident, as usurpations of the authority and prerogative of the Nabob; and he the said Hastings did make criminal charges thereon against the said Resident Bristow, of which charges the Council Board did, on hearing the same, and the defence of the said Bristow, fully acquit him.

## LXIV.

That the said Hastings, by abetting Hyder Beg Khan, a person described by him as aforesaid, in his opposition to all the plans of necessary reformation proposed by the said Hastings himself, and having suggested no other whatever in lieu thereof, to answer the purposes for which he had stipulated in the treaty of Chunar, the interference of the Resident in every branch of the Nabob's government did thereby frustrate every one of the good ends proposed by him in the said treaty of Chunar, and did grossly abuse his trust, in giving the exorbitant powers before recited, and asserting them to exist in the British Resident, without suffering them, even in appearance, to answer any of the proper and justifiable ends for which any power or influence can or ought to exist in any government.

## LXV.

That there is just ground to violently presume that not only the letters in the name of the Nabob aforesaid, were dictated to him by his Minister Hyder Beg Khan, in whose hands the said Hastings has described his Master to be "a mere cypher, &c." but which Hyder Beg was the known instrument of the said Hastings; but that the conduct and letters of complaint of the said Hyder Beg were, in effect and substance, prescribed and dictated to him by the said Warren Hastings, or his secret Agent, Palmer, by his direction; because it is notorious, that the powers of the said Hyder Beg were solely supported by him, the said Hastings, who, according to the state of favour or displeasure in which he stood, hath frequently promised him support, or threatened him with dismissal and punishment; and therefore it is not to be thought that he would take so material a step as to oppose the Company's Resident, acting under the instructions of the Governor General and Council, and to accuse him with so much confidence, and in a manner so different from the usual style of supplication on all other occasions employed by that



Court, if he had not been previously well assured that his writing in that manner would be pleasing to the person upon whom he solely depended for his power, his fortune, and perhaps for his life. Secondly, because, when it suited the purposes of the said Hastings on a former occasion, that is, in the year 1784, to remove the Resident Bristow aforesaid from his office, a letter from the Nabob was laid before the Council Board at Calcutta, proposing, that in order to prevent the effects of the said Bristow's application to Europe for redress, that the said Hastings should send him draughts of letters, which he the said Nabob would write in his own name and character, to the King, to his Majesty's Ministers, and to the Court of Directors, expressing himself, in the letter aforesaid, in the words following: viz. "To prevent his [Bristow's] applying to Europe, send me, if *you* think proper, the draughts of letters which *I* may write to the King, the Vizier, and the Chiefs of the Company." Thirdly, That though the said Hastings, and his secret agent, Palmer, did pretend, and positively assert, that they had no share in the letters aforesaid from the Nabob and his Minister, there was an original note to the Nabob's letters of accusation, referring to distinct parts and specified numbers of the Agent Palmer's secret correspondence with the said Warren Hastings; and the said letter, with the said reference, was, through inadvertence, laid before the Board.

## LXVI.

That the said Warren Hastings, having thrown the Government of Owde into great confusion and distress, thereby prevented the discharge of the debt, or pretended debt, to the Company, did, by all the said intrigues, machinations, and charges, aim at the filling the said Office of Resident at Owde with his own dependants, or by himself personally, as it appears that he did first propose to place in the said office his secret agent, Palmer, and that afterwards, when he was not able to succeed therein, he did propose nominally, to abolish the said office, but in effect to fill it by himself; proposing to the Council, and rendering himself responsible (but not in fortune) for the payment of the Company's debt within a certain given time, if he were permitted and commissioned by the Council to act for the Board in that Province; and did inform them, that he was privately well assured, that in a few days he should receive an invitation to that effect; and he did state (as in the year 1781 he had stated as a reason for his former delegation) "That the state of the country was so disordered in its Revenue and Administration, and the credit and influence of the Nabob himself so much shook by the *late usurpation* of his authority, and the contests which attended it, as to require the accession of an extraneous aid to restore the powers, and to re-animate the constitution of his Government;" although he, the said Hastings, did for a long time before attribute the weakness of his Government to an extraneous interference. And the said Council, on his engagement aforesaid, did consent thereto; and he did accordingly receive a commission, enabling him to act in the affairs of Owde, not only as the Resident might have done, but as largely as the Council General might legally delegate their own powers.

## LXVII.

That the said Warren Hastings, in accepting the said commission, did subject his character, and the reputation of his office, to great imputations and suspicions, by taking upon himself an inferior office, out of which another had, upon his intrigues, been removed, by a perpetual obstruction, which rendered it impossible for him to perform his duty, or to obey his instructions; and he did increase the said grounded suspicions, by exercising that office in a Government from whence it was notorious he had himself received an unlawful gift and present from the Ministers, and in which he had notoriously suffered many, and had himself actually directed some, acts of peculation, by granting various pensions and emoluments, to the prejudice of the Revenue of a distressed country, which he was not authorized to grant.

## LXVIII.

That the said Warren Hastings did proceed unto the said Province of Owde, under colour of providing a remedy for the disorders described to be existing in the same, and for the recovery of the Company's pretended debt. And the said Warren Hastings, who had thought fit to recall the Company's Resident, appointed to that office by the Court of Directors, and to suspend his office, did notwithstanding, of his own choice and selection, and on his own mere authority, take with him in his progress a large retinue, "and a numerous society of English gentlemen, to compose his family," which he represents as necessary; although, in a letter from that very place to which he took that very numerous society, he informs the Court of Directors, "that his own consequence, and that of the nation he represents, are independent of shew;" and after his arrival there, he the said Warren Hastings did write from



from Lucknow, the capital of that Province, a letter, dated the 30th of April, 1784, to the Court of Directors, in which are several particulars to the following purport or tenor, and which he points out to the Directors "to be circumstances of no trivial information;" namely, "that he had found, that the lands in that Province, as well as in some parts more immediately under the Company, have suffered in a grievous manner, being completely exhausted of their natural moisture by the total failure of one entire season of the periodical rains," with a few exceptions, which were produced only "by the uncommon labour of the husbandman." And in a letter to Edward Wheler, Esq. a Member of the Council General, from Benares, the 20th of September, 1784, he says, that "the *Public Revenues* had declined "with the failure of the cultivation in *three successive years*; and all the stores of grain, which "the *providence* of the husbandman (as he was informed is their *custom*) in defiance of the *vigilance* of the Aumils [Collectors] *clandestinely reserved for their own use*, were of course exhausted, in which state no person would accept of the charge of the collections on a positive engagement, nor did the rain fall till the 10th of July."—And in another letter, dated from Benares, the 1st of October following, he repeats the same accounts; and that the "country could not bear further additions of expence; and that it had *no inlets of trade* to supply the issues that were made from it;" [the exceptions stated there being inconsiderable] "therefore *every rupee* which is drawn into your Treasury [the Company's] from its circulation, will accelerate the period at which its ability must cease *to pay even the stipulated subsidy*." Notwithstanding this state of the country, of which he was well apprized before he left Calcutta, and the poverty and distress of the Prince having been frequently but in vain represented to him, in order to induce him to forbear his oppressive exactions, he did, in order to furnish the Council with a colour for permitting him to recall the Company's Resident, and to exercise the whole powers of the Company in his own person without any check whatsoever, or witness of his proceedings except the persons of his own private choice, did make the express and positive engagement aforesaid, which, if understood of a real and substantial discharge of debt for the relief of the total of the Company's finances, was grossly fallacious; because, at the very time, he must have been perfectly sensible, that in the then state of the revenues and country of Owde (which are in effect the Company's revenues, and the Company's country) the debt, or pretended debt aforesaid, asserted to be about five hundred thousand pounds, or thereabouts, could not be paid without contracting another debt, at an usurious interest, without encroaching on the necessary establishments, or on private property, or on the pay of the army, or without grievous oppression of the country, or all these together. And it doth appear that one hundred thousand pounds, towards the said payment of debts, was borrowed at Calcutta, by the Nabob's Agent there, but at what interest is not known. It appears also that other sums were borrowed for arrear of the interest on which £. 40,000 sterling appears in the Company's claims for the current year, and that various deductions were made from the jaghires restored to the Begums, as well as other parts of the Nabob's family; and it did and doth appear, that an arrear is still due to the old and new Brigade, but whether the same be growing or not, doth not appear; yet he hath not hesitated to assert, that he had "provided for the *complete discharge in one year* of a "debt contracted by the *accumulation of many*, and from a country, whose resources have been "wasted and dissipated by three successive years of drought, and one of anarchy." But the said Hastings never did even realize the payments to be made in the first year (as he confesses in the said letter) except by an anticipation of the second; and though he states, in his letter aforesaid, the following facts and engagements, that is to say, "that a *recovery of so large a part of your property* [the Company's] will afford a seasonable and substantial relief to the "necessities of your Government, and enable it (for such is my confident hope) *to begin on the reduction of your debt at interest* before the conclusion of this year (I mean the year of this "computation.)" Whereas the said Warren Hastings did apply the whole produce of the Revenue to the mere pay of some part of the British army in Owde; and did not mention in his correspondence that he had remitted any money whatsoever to Calcutta, nor to any other place (except the fifty thousand pounds taken from Almas Ali Khan, and said to be remitted to Surat) for the said "substantial relief," in consequence of the said pretended "recovery of property," admitting that it had been suggested to him, and not by him denied, that he had "disappointed the popular expectation, by not adopting the policy which he had, *on the conception of better grounds*, rejected; nor did he begin the reduction of the interest debt," at the time stated, nor at any time; but the whole (he well knowing the state of the country from whence the resources aforesaid were by him promised) was a premeditated deceit and imposition on the Board of Council, his colleagues, and on the Court of Directors, his masters.



## LXIX.

That no traces of regulation appear to have been adopted by the said Warren Hastings during his residence at Lucknow, in conformity to the spirit and intentions of the treaty of Chunai, or of his instructions to Middleton and Bristow, or of the proposed objects of his own Commission. But he did, in lieu thereof, pretend to free the Nabob's government from the interference of the Company's servants, and the usurpation (as he called it) of a Resident, and thereby to restore it to its proper tone and energy; whereas the measures he took were such as to leave no useful or responsible superintendence in the British, and no freedom in the Nabob's government; for he did confirm the sole, unparticipated, and entire administration, with all the powers annexed to the government, on the Minister Hyder Beg Khan, to whom he *prevailed* on the Nabob Vizier to commit the entire charge of his revenues, altho' he knew that his master was a cypher in his hands; that he "had affixed his seal to letters written without his knowledge, and such as evidently tended to promote Hyder Beg Khan's influence and interest;" that his said master did not consider him as a Minister of his choice, but as an instrument of his degradation; that "he exists as a Minister by his dependence on the Calcutta government, and that the Nabob himself had no other opinion of him; that it is by its *declared* and most *obvious* support alone that he could maintain his authority and influence." And in his instructions to his secret Agent, Major Palmer, dated the 6th of May, 1782, to ease his mind and remove his jealousy with regard to British interference, he did instruct him "that much delicacy and caution will be required in your declarations on this subject, lest they should be construed to extend to an immediate change in the administration of his affairs, or the instruments of it. Their persons must be considered as *sacred*, while they act with the *participation of our influence*." This distinction the Nabob *understands*, nor will it be either necessary or proper to allude to it, unless he himself should first introduce the subject. And the said Hastings did assume, as to a dependant of the lowest order, to prescribe to him the conditions on which he is to hold his place, to threaten him with scrutinies into his conduct, with dismissal, with punishment; that he was guilty of falsehood and duplicity, and that he had made his master assert what was true to be false; that he suspected he had withheld from his master what he ought to have paid to him—That the event of his having *prevailed* on the Nabob to entrust him as aforesaid, was, according to his, the said Hastings's, own letter, written to the said Hyder Beg Khan himself, "an accumulation of distress, debasement, and dissatisfaction to the Nabob. and of disappointment and disgrace to me. Every measure which he had himself proposed, and to which he had solicited my assistance, has been so conducted, as to give him cause of displeasure, there are no officers established by which his affairs could be regularly conducted; mean, incapable, and indigent men have been appointed Aumils of the districts, without authority, and without the means of personal protection: some of them have been murdered by the Zemindars, and those Zemindars, instead of punishment, have been permitted to retain their Zemindaries with independent authority, all the other Zemindars suffered to rise up in rebellion, and to insult the authority of the Sircar, without any attempt made to suppress them; and the Company's debt, instead of being discharged by the assignments and extraordinary sources of money provided for that purpose, is likely to exceed even the amount at which it stood at the time in which the arrangement with his Excellency was concluded. *The growth of these evils was early made known to me, and their effects foreboded in the same order and manner as they have since come to pass.* In such a state of calamity and disgrace, I can no longer remain a passive spectator; nor would it be becoming to conceal my sentiments, or qualify the expression of them. I now plainly tell you, that you are answerable for every misfortune and defect of the Nabob Vizier's government."—And after giving orders, and expressing some hopes of better behaviour, he adds, "If I am disappointed, you will impose on me the painful and humiliating necessity of acknowledging to him, that I have been deceived, and of recommending the examination of your conduct to his justice, both for the redress of his own and the Company's grievances, and for the injury sustained by both in their mutual connection. *Do not reply to me, that what I have written is from the suggestion of your enemies; nor imagine, that I have induced myself to write in such plain and declaratory terms, without a clear insight into all the consequences of it, and a fixed determination upon them.*"

## LXX.

That the aforesaid being the tenure of the power of the said Minister, and such his character, as given by the said Warren Hastings himself, who did originally compel the Nabob to receive him, who did constantly support him against the Nabob his master, as well as against the Company's Resident;—the delivering over to such a person, his master, his family, his country, and the care of the British interests therein, without controul or public inspection, was an high crime and misdemeanor.

## LXXI. Tha



LXXI.

That the next person whom the said Hastings did invest with power in the said country, was a certain opulent and powerful native, Manager of Revenue, called Almas Ali Khan, closely connected with the said Hyder Beg Khan; and to whom the said Hyder Beg Khan, as the said Hastings has admitted, "had entrusted the *greatest* part of his revenues, without any pledge or security for his fidelity." And afterwards the said Hastings charges the said Almas Ali with an intention of removing from the Nabob's dominions; he states, "as taking with him," and therefore being possessed "of an immense treasure, the fruits of his embezzlements and oppressions, and an army raised for its protection."

LXXII.

That the said Warren Hastings was, or pretended to be, impressed with the evil character, dangerous designs, and immoderate power of the said Almas Ali: that he did insert, among his instructions to the Resident Bristow, an order of a dangerous and unwarrantable nature, in which, upon his, the said Hastings's, simple allegation of offences, not accurately described or specified, with regard either to the fact, the nature of the offence, or the proof, to urge the Nabob to put him to death, with many qualifications in the said instructions, full of fraud and duplicity, calculated to ensnare the said Resident Bristow, and to throw upon him the responsibility of the conduct of the said Almas Ali Khan, if he should continue at large, contrary to his orders, or to subject him, the said Resident, to the shame and scandal of apprehending and putting him to death, by means which, in the circumstances, must necessarily be such as would be construed into treachery; and he the said Almas Ali Khan, being from nature and situation suspicious and watchful, and being at that very time in the collection, or Farmer of the most important part of the revenues, with an extensive jurisdiction annexed, and at the head of fourteen thousand of his own troops; and having been recently accepted by the Resident Middleton as security for large sums of money advanced by the bankers of Benares to the use of the East India Company; which orders (if the said Resident would or could have executed them) must have raised an universal alarm among all the considerable men of the Country concerned in the Government, and would have been a means of subverting the public credit of the Company, by the murder of a person engaged for very great sums of money that had been advanced for their use.—And the said instructions is as followeth:

"If any engagement shall actually subsist between them at the time you have charge of the Residency, it must, however exceptionable, be faithfully observed; but if he has been guilty of any criminal offence to the Nabob, his master, for which no immunity is provided in the engagement, or he shall break any one of the conditions of it, I do most strictly enjoin you, and it must be your special care to endeavour, *either by force or surprise*, to secure his person, and bring him to justice: By bringing him to justice, I mean that you urge the Nabob, on due conviction, *to punish him with death*, as a necessary example to deter others from the commission of the like crimes; nor must you desist till this is effected.—I cannot prescribe the means; but to guard myself against the obloquy to which I may be exposed by a forced misconstruction of this order, by those who may hereafter be employed in searching our records for cavils and informations against me, I think it proper to forbid, and protest against the use of any *fraudulent artifice or treachery to accomplish the end which I have prescribed*; and as you alone are privy to the order, you will of course observe the greatest secrecy that it may not transpire: But I repeat my recommendation of it, as one of the first and most essential duties of your office."

LXXIII.

That among the reasons assigned for putting to death the said Almas Ali, which the said Hastings did recommend directly and repeatedly to the Resident, "as one of the first and most essential duties of his office," was in substance, "that by his extensive trust with regard to the revenues, he had been permitted to acquire independency; that the means thereof had been long seen, and the effects thereof foretold, by every person acquainted with the state of Government, except those immediately interested in it:" And he the said Warren Hastings did also charge the said Almas Ali with embezzlement of the revenues, and oppression of the people, and nothing appears to disprove the same, but much to give ground to a presumption, that the said Almas Ali did grievously abuse the power committed to him, as Farmer and Collector of the Revenue, to the great oppression of the inhabitants of the countries which had been rented to him by Hyder Beg Khan, with the knowledge and consent of the said Warren Hastings.



## LXXIV.

That the Resident Bristow, declining the violent attempt on the life of Almas Ali, deceitfully ordered by the said Warren Hastings, did, on weighty reasons, drawn from the spirit of the said Hastings's own instructions, recommend that his the said Almas Ali Khan's farms of revenue, or a great part of them, should be, on the expiration of his lease, taken out of his hands, as being too extensive, and supplying the means of a dangerous power in the country: But yet he the said Warren Hastings did not only continue him in the possession of the said revenues, but did give to him a new lease thereof, for the term of five years. And on this renovation and increase of trust the said Warren Hastings did not consent or produce the informer, upon whose credit he had made his charge of capital crimes on the said Almas Ali, and had directed him to be put to death, or call upon him to make good his charges; but instead of this, totally changing his relation to the said Almas Ali, and did himself labour to procure from all parts, attestations to prove him not guilty of the perfidy and disloyalty of which the said Hastings himself appears to have been to that very time his sole accuser, as he hath since been his most anxious advocate; but though he did use many endeavours to acquit Almas Ali of his intended flight, yet concerning his embezzlements and oppressions, the most important of all charges relative to that of the revenue and collection, he the said Hastings hath made no enquiry whatever, by which it might appear that he was not as fully guilty thereof as he had always represented him to be. But some time after he the said Warren Hastings had arrived at Lucknow, in the year 1784, he suggested to the said Almas Ali Khan the *advance* to the Company's use of a sum of money, amounting to fifty thousand pounds, or thereabouts; and the said suggested advance was (as the said Warren Hastings asserts, no witness or document of the transaction appearing) "cheerfully, and without hesitation, complied with, considering it as an *evidence seasonably offered for the general refutation of the charges of perfidy and disloyalty*;" —which practice of charging wealthy persons with treason and disloyalty, and afterwards acquitting them, on the payment of a sum of money, is highly scandalous to the honour, justice, and government of Great Britain; and the offence is highly aggravated by the said Hastings's declaration to the Court of Directors, that the charges against Almas Ali Khan have been too laboriously urged against him; and carried at one time to such an excess, which had nearly driven him to abandon his country, "*for the preservation of his life and honour*;" and thus to give a "colour to the charges themselves," when he the said Warren Hastings did well know, that he himself did consider as a crime, and did make it an article in a formal accusation against the Resident Middleton, that he did not inform him, the said Hastings, of the supposed treasons of Almas Ali Khan, and of his design to abandon the Country, when he himself did most laboriously urge the charges against him; and when no attempt appears to have been made against the life of the said Almas Ali Khan, except by the said Warren Hastings himself.

## LXXV.

That the sum of fifty thousand pounds sterling, or thereabouts, publicly taken by the said Warren Hastings, as an *advance* for the use of the Company, if given as a consideration or fine, on account of the renewal, for a long term, of civil authority and military command, and the collection of the revenues to an immense amount, the same being at least eight hundred thousand pounds sterling yearly, was so totally inadequate to the interest granted, that it may justly be presumed, it was not on that, or on any public ground or condition, that the said Hastings did delegate, out of all reach of resumption or correction, a lease of boundless power and enormous profit, for so long a term, to a known oppressor of the Country.

## LXXVI.

That Warren Hastings being at Lucknow in consequence of his deputation aforesaid, did, in his letter from that city, dated 30th of April 1784, recommend to the Court of Directors, "as his *last and ultimate hope*, that their wisdom would put a *final period* to the *ruinous and disreputable system* of interference, whether *avowed or secret*, in the affairs of the Nabob of Owde; and withdraw *for ever the influence* by which it is maintained;" and that they ought to confine their views to the sole maintenance of the old brigade stationed in Owde, by virtue of the first treaty with the reigning Nabob; expressing himself in the following words to the Court of Directors: "If you transgress that line, you may extend the *distribution of patronage*, and add *to the fortunes of individuals*, and to the nominal riches of Great Britain; but your own interests will suffer by it; and the *ruin of a great and once-flourishing nation* will be recorded as the *work of your Administration*, with an *everlasting reproach* to the British name. To this reasoning I shall join the *obligations of justice and good faith*, which cut off every pretext for your exercising *any power or authority in this Country*, as long as the Sovereign of it fulfils the engagements he has *articled with you*."

## LXXVII. That



## LXXVII.

That it appears, by the extraordinary recommendation aforesaid, asserted by him the said Hastings to be enforced by the "*obligations of justice and good faith*," that the said Warren Hastings, at the time of writing the said letter, had made an agreement to withdraw the British interference, represented by him "as a ruinous and disreputable system," out of the dominions of the Nabob of Owde. But the instrument itself in which the said agreement is made (if at all existing) does not appear; nor hath the said Hastings transmitted any documents relative to the said treaty, which is a neglect highly criminal; especially as he has informed the Company, in his letter from Benares, "that he has promised the Nabob that he will not abandon him to the chance of any other mode of relation; and most confidently given him assurance of the ratification and confirmation of that which he (the said Hastings) had established between his Government and the Company:" The said *confident assurance* being given to an agreement never produced, and made without any sort of authority from the Court of Directors; an agreement precluding, on the one hand, the operation of the discretion of his masters in the conduct of their affairs; or, on the other, subjecting them to the hazard of an imputation on their faith, by breaking an engagement confidently made in their name, though without their consent, by the first officer of their Government.

That the said Hastings, further to preclude the operation of such discretionary conduct in the administration of this kingdom, as circumstances might call for, has informed the Directors, that he has gone so far as even to condition the existence of the revenue itself, with the exclusion of the Company, his masters, from all interference whatsoever; for in his letter to Mr. Wheler, dated Benares, 20th of September, 1784; are the following words: "The aumils [collectors] demanded that a clause should be inserted in their engagements, that they were to be in full force for the complete term of their leases, *provided that no foreign authority was exercised over them: or in other words, that their engagements were to cease whenever they should be interrupted in their functions by the interference of an English Agent.*" This requisition was officially notified to me by the acting Minister, and referred to me in form by the Nabob Vizier, for my previous consent to it: I encouraged it, and I gave my consent to it." And the said Hastings has been guilty of the highest presumption, to inform his said masters, that he has taken that course to compel them not to violate the assurances given by him in their name:—"There is one condition [namely, the above condition] which *essentially connects the confirmation of the settlement itself with the interests of the Company.*"

## LXXVIII.

That the said Warren Hastings, who did shew an indecent distrust of the Company's faith, did endeavour, before that time, at other times, namely, in his instructions to his secret agent, Major Palmer, dated the 6th of May, 1782, to limit the confidence to be reposed in the British Government to the duration of his own power, in the following words, in the fifth article: "It is very much my desire to impress the Nabob with a *thorough* confidence in the faith and justice of our government; that is to say, *in my own*, while I am at the head of it: I cannot be answerable for the acts of others independent of me."

## LXXIX.

That the said Warren Hastings did, in his letter, dated Benares, the 1st of October, 1784, to the Court of Directors, write, "that if they [the Directors] manifested no symptoms of an intended interference, the objects of his engagements will be obtained; but if a different policy shall be adopted; if new agents are sent into the country, and armed with authority for the purposes of vengeance or corruption (*for to no other will they be applied*); if new demands are made on the Nabob Vizier, and accounts overcharged on one side, with a wide latitude taken on the other, to swell his debt beyond the means of payment; if political dangers are portended, to ground on them the plea of burthening his country with unnecessary defences and enormous subsidies; or if, even abstaining from *direct encroachments on the Nabob's rights*, your Government shall shew but a *degree of personal kindness to the partizans* of the late usurpation, or by any constructive indication of partiality and dissatisfaction, furnish grounds for the expectation of an approaching change of system;—I am sorry to say that all my labours will prove abortive."

## LXXX.

That all the measures deprecated in future by the said Warren Hastings, with a reference to former conduct, in his several letters aforesaid, being (so far as the same are intelligible) six in number, have been all of them the proper acts and measures of the said Warren Hastings himself;



self; for he did himself first of all introduce, and did afterwards continue and support, that interference (which he now informs the Court of Directors “is ruinous and disreputable, and “which the very *symptoms* of an *intention* to renew, he considers in the highest degree dangerous); he did direct, with a controuling and absolute authority, in every department of government, and in every district in the dominions of the Nabob of Owde—Secondly, The appointment of Agents, which was eminently the act of his own administration, he not only retaining many Agents in the country of Owde, both “*secret and avowed*,” but also sending some of them, in defiance to the orders of that very Court of Directors, to whom, in his said letter of the 1st of October, 1784; he assigns “vengeance and corruption,” as the only motives that can produce such appointments.—Thirdly, That he the said Warren Hastings did instruct one of the said Agents, and did charge him, upon pain of “*a dreadful responsibility*,” to perform sundry acts of violence against persons of the highest distinction, and nearest relation to the Prince; which acts were justly liable to the imputation of “*vengeance*” in the execution, and which he, in his reply to the defence of Middleton to one of his colleagues, did declare to be liable to the suspicion of “*corruption* in the relaxation.”—Fourthly, That he did raise new demands on the Vizier, “and overcharge accounts on one side, and take a wide latitude on the other,” by sending up a new and before unheard-of overcharge of four hundred thousand pounds and upwards, not made by the Resident, or admitted by the Vizier; and by adding the same, did swell his debt “beyond the means of payment;” and did even insert, as the ninth article of his charge against Middleton, “his omitting to take any notice of the additional balance of rupees “26,48,571, stated by the Accountant General to be due from the Vizier on the 30th of April “1780,” to which he did add 14 lack more, making together the above sum.—Fifthly, That he the said Warren Hastings did assign “political dangers” in his minute of the 13th December 1779, for burthening the said Nabob of Owde “with unnecessary defences and enormous subsidies,” with regard to which he then declared, that “it was *our* part, not *his* (the Nabob’s) “to judge and to determine.”—And sixthly, that he did not only shew the *design*, but the *fact* of personal kindness to the partizans of what he here calls, as well as in another letter, and in one minute of consultation, a “late usurpation,” he having rewarded the principal and most obnoxious of the instruments of the said late usurpation, (if such it was) Richard Johnson, Esquire, with an honourable and profitable embassy to the Court of the Nizam.

## LXXXI.

That the said Warren Hastings, therefore, by assuming an authority which he himself did consider as an *usurpation*, and by acts, in virtue of that usurped authority, done in his own proper person, and by agents appointed by himself, and proceeding (though with some mitigation, for which one of them was by him censured and accused) under his own express and positive orders and instructions, and thereby establishing, as he himself observed, a system of “interference, disreputable and ruinous, which could only be subservient to promote patronage, private interest, private embezzlement, corruption, and vengeance,” to the public detriment of the Company, “and to the ruin of a once flourishing nation, and eternally reproachful to the British name;” and for the evil effects of which system, “as his sole and ultimate “hope” and remedy, he recommends an entire abdication for ever, not only of all power and authority, but even of the interference and influence of Great Britain;—is guilty of an high crime and misdemeanor.

## LXXXII.

That the said Warren Hastings, in his letter from Chunar, of the 29th of November, 1781, has represented that very influence and interference (which in three public papers he denominates “*a late usurpation*”) as being authorized by a regular treaty and agreement, voluntarily made with the Nabob himself, at a place called Chunar, on the 19th of September, 1781, a copy of which hath been transmitted to the Court of Directors; and that three persons were present at the execution of the same, two whereof were Middleton and Johnson, his Agents and Residents at Owde, the third, the Minister of the Nabob. And he did, in his paper written to the Council General, and transmitted to the Court of Directors, not only declare that the said interference was agreed to by the said Nabob, and sealed with his seal, but would be highly beneficial to him; assuring the said Council, “that if the Resident performed his “duty, in the execution of his [the said Hastings’s] instructions, the Nabob’s part of the engagement will prove of still greater benefit to him than to our government, in whose behalf “it was exacted; and that the *participation* which is allowed our Resident in the *inspection* of “the public treasure, will secure the receipt of the Company’s demands, whilst the influence “which our government will ALWAYS possess over the public Minister of the Nabob, and the *authority* of our own, will be an effectual means of securing an attentive and faithful discharge of “their several trusts, both towards the Company and the Vizier.”

## LXXXIII That



## LXXXIII.

And the said Warren Hastings did not only settle a plan, of which the agency and interference aforesaid was a part, and assert the beneficial consequences thereof, but did also record, that the same " was a great public measure, constituted on a large and *established system*, and destructive in " its instant effects of the interest and fortune of many patronized individuals ;" and, in consequence of the said treaty, he the said Warren Hastings did authorize and positively require his agent aforesaid to interfere in, and controul and regulate, *all the Nabob's affairs whatsoever* ; and the said Warren Hastings having made for the Company, and in its name, an acquisition of power and authority, even if it had been abused by others, he ought to have remedied the abuse, and brought the guilty to condign punishment, instead of making another treaty, without their approbation, consent, or knowledge, and to this time not communicated to them ; by which it appears he has annulled the former treaty, and the authority thereby acquired to the Company, as a grievance and usurpation, to which, from the general corruption of their service, no other remedy could be applied than a formal renunciation of their power and influence ; for which said acting and doings the said Warren Hastings is guilty of an high crime and misdemeanor.

## LXXXIV.

That the Company's army in India is an object requiring the most vigilant and constant inspection, both to the happiness of the natives, the security of the British power, and to its own obedience and discipline, does require that inspection, in proportion as it is removed from the principal seat of Government ; and the number and discipline of the troops kept up by the native Princes, along with British troops, is also of great moment and importance to the same ends : That Warren Hastings, Esq; pretending to pursue the same, did, in virtue of an authority acquired by the treaty of Chunar aforesaid, give strict orders, and to which he did demand *a most implicit obedience*, that all Officers of the Nabob's army should be appointed " with the concurrence of the Resident ;" and supposing the case, that persons of obnoxious description, or of known disaffection to the British Government (of which he left the Resident to be the Judge) he did direct in the following words : " You are in such case to remonstrate against it ; and if the Vizier should persist in his choice, you are peremptorily, *and in my name*, to oppose it as *a breach of his agreement* ;" and he did also direct, that the " Mootiana [or soldiers employed for the collection of Revenue] should be reformed, and reduced into one corps for the whole service ; and that no infantry should be left in the Nabob's service, but what may be necessary for his body guard ;"—and he did further order and direct as follows : " That in quelling disturbances, the Commander of the forces should assist you [the said Resident] on the requisition of the Vizier, communicated through you to him [the said Commander] or at your own single application. It is directed, that the regiment ordered for the immediate protection of your office and person, at Lucknow, shall be relieved every three months, and during its stay there shall act solely and exclusively under your orders." And it appears, in the course of the Company's correspondence, that the country troops, under the Nabob's sole direction, would be ill-disciplined and unserviceable, if not worse ; and therefore the said Warren Hastings did order, that " no infantry should be kept in his service ;" yet it appears that the said Warren Hastings did make an arrangement for a body of native troops, wholly out of the controul or inspection of the British Government, and left a written order in the hands of Major Palmer (one of his Agents, who had been continued there, though the Company was not permitted to employ any) to be transmitted to Colonel Cumming, as soon as an adequate force shall be provided for the defence of the Nabob's frontier, by detachments from the Nabob's own battalions, the said Colonel Cumming's forces, whom the others were to supercede and replace, consisting wholly of infantry, and which, being intended for the same service, were probably of the same constitution.

## LXXXV.

That the old brigade of British troops, which by treaty was to remain, had been directed, by the instructions of the said Hastings to the Resident Middleton, and to the Resident Bristow, " not to be employed at the requisition of the Vizier, any otherwise than through the Resident ;" and the said direction was properly given, it not being fit that British troops should be under the sole direction of Foreign independent Princes, or of any other than the British government ; yet, notwithstanding the proper and necessary direction aforesaid, he the said Warren Hastings hath left the said troops, by his new treaty, without any local controul, or even inspection, notwithstanding his powers under the treaty of Chunar, and his own repeated orders, and notwithstanding the mischiefs and dangers which the said Warren Hastings did foresee would result therefrom, if left under the sole direction of the Nabob, and their own discretion, the said Hastings having stipulated with the said Nabob not to exercise any authority, or even influence, *secret or avowed*, within his dominions.



## LXXXVI.

That the crime of the said Warren Hastings, in attempting thus to abandon the British army to the sole discretion of the Nabob of Owde, is exceedingly aggravated by the description given by him severally of the said Nabob of Owde, and of the British army stationed for the defence of his dominions; in his letters to the Court of Directors, and in his minutes of consultation, and particularly in his letter of immediately on the accession of the Nabob, he did inform the said Court; "that the Nabob had not, by all accounts, the qualities of the head or heart which fitted him for that office, though there was no dispute concerning his right to succeed;" and some years afterwards, when his accounts must have been rendered more certain, he did, in his minute of consultation, of the 15th of December, 1779, (regularly transmitted to the Court of Directors) upon a discussion for withdrawing certain troops, kept up in the Nabob's country without his consent, by him the said Warren Hastings, strongly urge as follows: "The necessity of maintaining the influence and force which we possess in the country, that the disorders of his State [the Nabob of Owde's State] and dissipation of his Revenues, are the effects of his own conduct, which has failed, not so much from the usual effects of incapacity, as from the detestable choice he has made of the Ministers of his power, and the participation of his confidence. I forbear to expatiate further on his character: It is sufficient that I am understood by the Members of this Board, who must know the truth of my allusions. Mr. Francis [a Member of the Board] surely was not aware of the injury he did me [Warren Hastings] by attributing to the spirit of party the character I gave Asupul Dowlah [the Nabob of Owde] he himself knows it to be true; and it is one of those notorieties which supercede the necessity of any evidence. I was forced to the allusion I made, by the imputation cast on this Government, as having caused the evils which prevail in the Government of the Nabob of Owde, which I could only answer by ascribing them to their true cause, the character and conduct of the Nabob of Owde." And the Resident (appointed by the said Hastings, against the orders of the Court of Directors) as his particular confidential representative, one whom the said Nabob did himself request might be continued with him, by an engagement in writing, for ever, did some time before, that is, on the 3d of January 1779, assure the said Hastings and the Council General, "that such is his Excellency's [the Nabob of Owde's] disposition, and so entirely has he lost the confidence and affections of his subjects, that unless some restraint is imposed on him, which would effectually secure those who live under the protection of his Government from violence and oppression, I am but too well convinced, that no man of reputation or property will long continue in these provinces." And that the said Resident proceeds to an instance of oppression and rapine, "out of many of the Nabob's, which has caused a total disaffection and want of confidence among his subjects; he hoped the Board would take it into their humane consideration, and interpose their influence, and prevent an act which would inevitably bring disgrace upon himself, and a proportionable degree of discredit on the national character of the English, which I consider to be more or less concerned in every act of his Administration."

## LXXXVII.

That no exception was ever taken by the said Warren Hastings to the truth of the facts, or to the justness of the observation of the said Resident, which he did transmit to the Court of Directors. And the said Warren Hastings, in his letter from Chunar, dated the 29th of November 1781, speaking of the restraints which had been put by him the said Hastings on the Nabob, relative to his own Mootiana, or forces for collection and police, and the necessity of giving the Resident a controul in the nomination of the officers of his army, has asserted, "that the necessity of the reservation arose from a too well known defect in the Nabob's character; if this check be withdrawn, and the choice left absolutely to the Nabob, the first commands in his army will be filled with the most worthless and abandoned of his subjects—his late Commander in Chief is a signal and scandalous instance of this."

## LXXXVIII.

And the said Warren Hastings, in his letter to the Court of Directors, dated Benares, the 15th of October, 1784, even after he had made the aforesaid renunciation of the Company's authority and influence to the Nabob, did write, "that the Nabob, though most gentle in his manners, and endued with an understanding much above the common level, has been unfortunately bred up in habits that draw his attention too much from his own affairs, and often subject him to the guidance of insidious and unworthy confidants;" which, though more decently expressed, with regard to the Nabob, than in his former minutes, substantially agrees with them. And the said Warren Hastings did inform the Court of Directors, after he had solemnly covenanted to withdraw all the Company's influence, on the assurances and promises of a person so by himself described, that for reasons grounded on his knowledge of the imbecility of the character of the Nabob, he waited in a frontier town, "that he might be at hand



“to counteract any attempt to defeat the effect of his proceedings at Lucknow;” and in his letter to Mr. Wheeler from the same place, he did write in the following words; “I am still near enough to attend to the first effects of the execution, and to interfere with my influence for the removal of any obstructions to which they are or may be liable.” He therefore found that there was none, or but an insufficient security to the effect of his treaty, but in his own direct personal violation of it. What otherwise was wanting in the security for the Nabob’s engagements, was to be supplied as follows: “The most respectable persons of his family will be employed to counteract every other which may tend to warp him from it; and I am sorry to say, *that such assistance was wanting.*” And in another letter, “that he had equal ground to expect every degree of support which could be given it by the *first characters of his family*, who are warmly and zealously interested in it,” The principal male character of the family, and of the most influence in that family, being *Salar Jung*, uncle to the Nabob; and the first female characters of the family, being the mother and grandmother of the reigning sovereign; all of whom, male and female, he the said Warren Hastings, in sundry letters of his own, in the transmission of various official documents, and even in affidavits studiously collected, and sworn before Sir Elijah Impey, during his short residence at Lucknow and Benares, did himself represent as persons entirely disaffected to the English power in India, as having been principal promoters, if not original contrivers, of a general rebellion and revolt, for the utter extirpation of the English nation; and as such he the said Warren Hastings did compel the Nabob reluctantly to take from them their landed estates; and yet the said Warren Hastings has had the presumption to attempt to impose on the East India Company, by pretending to place his reliance on those three persons for a settlement favourable to the Company’s interests, on his renunciation of all their own power, authority, and influence, and on his leaving their army to the sole and uncontroled discretion of a stranger, meriting in his opinion the description given by him as aforesaid, as well as by him frequently asserted to be politically incapable of supporting his own power, without the aid of the forces of the Company. And the offence of the said Warren Hastings, in abandoning a considerable part of the British army in the manner aforesaid, is much encreased by the description which he has himself given of the state of the said army, and particularly of that part thereof which is stationed in the Nabob of Owde’s dominions. For he did himself, on the 29th of November, 1781, transmit the information following on that subject to the Court of Directors, namely, “that the remote stations of those troops, placing the commanding officers beyond the notice and controul of the Board [the Council General] at Calcutta, afforded too much of opportunity and temptation for unwarrantable *emoluments*, and excited the contagion of *peculation* and *ra acity* throughout the whole army; a most remarkable instance, and uncontrovertible proof of the prevalence of this spirit, has been seen in the Court Martial upon Captain Erskine, where the Court, composed of officers of rank and respectable characters, unanimously and honourably (*most honourably*) upon an acknowledged fact, acquitted him, which, in times of stricter discipline, would have been deemed a crime deserving the severest punishment.” From which representation (if the said Warren Hastings did not falsely and unjustly accuse and slander the Company’s service) it appeared, that the *peculation* which infected the whole army, derived from the taint which it had in Owde, and so fatal to the discipline of the troops, would be dangerously encreased by his treaty and agreement aforesaid with the Nabob, and by his own said evil counsel to the Court of Directors.

## LXXXIX.

That it appears, after the said Warren Hastings had, on grounds so disgraceful to the British nation and government, agreed to remove for ever the British influence and interference from the government of Owde, on account of the disorders in the said government, solely produced by his own criminal acts and criminal connivances, that he did overturn his own settlement as soon as he had made it; and did, after he had abolished the Company’s Residency as a grievance, wholly violate his own solemn agreement; for he did, for his private purposes, continue therein his own private agent, Major Palmer, with a number of officers and pensioners, at a charge to the revenues of the country greatly exceeding that of the establishment under Mr. Bristow, which he did represent as frightfully enormous, and which he pretended to remove; the former amounting to £.112,950, the latter only to £.64,202.

## XC.

That his own secret agent, Major Palmer, did receive a salary or allowance equal to £.22,800 a year, out of the distressed province of Owde; and this the said Palmer did declare not to be more than he absolutely did really and bona fide spend; and that he had retrenched considerably “in some of the articles, since the expence has been borne by the Vizier, and in every particular he made as little parade and appearance as his station would admit,” his station being that of the said Warren Hastings’s private Agent. But if the said large salary must



must be considered as merely equal to the expences, large secret emoluments must be presumed to attend it, in order to make it a place advantageous to the holder thereof. That the said Palmer did apply to the Board at Calcutta for a new authority to continue the said establishments, he conceiving their continuance “after the period of the Governor General’s departure, depended upon the pleasure of the Board, and not upon the *authority of the Governor General, under the sanction of which they were established or confirmed.*”

## XCI.

That the said Warren Hastings, in order to ruin the Resident Bristow, and to justify himself for his former proceedings respecting him, did bring before the Board a new charge against him, for having paid a large establishment of offices and pensions to the Company’s servants, from the revenues of Owde; and the said Bristow, in making his defence against the charge aforesaid, did plead, that he had found all the allowances, on his list established before his last appointment to the Residency; that they had grown to that excess in the interval between his first removal by the said Warren Hastings, and his re-appointment; and having adduced many reasons to make it highly improbable that the said Hastings was perfectly well acquainted with it, and did approve of the expensive establishments which he the said Bristow simply had paid, but not imposed, he did alledge, besides the official assurances of his predecessor Middleton, certain facts as amounting to a direct proof that the Governor General, Warren Hastings, was not averse to the Vizier’s granting large salaries to more than one European Gentleman; and the first instance was to Mr. Thomas, a surgeon, who, exclusive of his pay from the Company, which was £.1,440 a year, claimed from the Vizier, with Mr. Hastings’s knowledge, the sum of £.9,763 a year, and upwards, making together £.11,203 per annum.—The next was Mr. Trevor Wheeler, who did receive upon the same establishment, when he was fourth Assistant at Owde, £.6,000 a year; and which last fact the said Hastings has admitted upon record, “that the accusations of Mr. Bristow and Mr. Cowper, did *oblige and compel him to acknowledge,*” denying at the same time that the allowance of the Residents Middleton and Bristow, except in this single instance, were ever authorized by him: Whereas his own agent Palmer did, in his letter of the 27<sup>th</sup> of March, 1785, represent that the said salaries and allowances (if not more and larger) were by him authorized or confirmed.

## XCII.

That the aforesaid Bristow did also produce the following letter, in proof that Mr. Hastings knew and approved of large salaries to British subjects upon the revenues of Owde, and which he did declare that nothing but the necessity of self-defence could have induced him to produce.

“Dear Bristow,

“Sir Eyre Coote has some field allowances to receive from the Vizier, they amount to Sicca rupees 15,554 per month, and he has been paid up by the Vizier to the 20<sup>th</sup> of August, 1782. The Governor has directed me to write to you, to request you to receive what is due from the Vizier from the 20<sup>th</sup> August last, at the rate of Lucknow Sicca rupees 15,554 per month, and send me a bill for the amount, the receipt of which I will acknowledge in the capacity of Sir Eyre Coote’s attorney; and the Governor desires that you will continue to receive Sir Eyre Coote’s field allowances at the same rate, and remit the money to me as it comes in.

“Calcutta, January 25, 1783.

(Signed) CHARLES CROFTES.”

## XCIII.

That Sir Eyre Coote aforesaid was, at the time of the said field allowances, not serving in the country of Owde, on which the said allowances were charged, but in the Carnatic.

## XCIV.

That from the declaration of the said Hastings himself, that it was the conviction of Mr. Bristow and Mr. Cowper that could alone *oblige and compel him to acknowledge* certain of his aforesaid practices, and that nothing *but the necessity of self-defence* could have induced Mr. Bristow to make public another, and much stronger, instance of the same, it is to be violently presumed, that where these two, or either or both, necessities did not exist, many evil and oppressive practices of the said Hastings do remain undiscovered. That if it had not been for the contests between him the said Hastings and the Resident Bristow, not only the before-mentioned



mentioned particulars, but the whole of the expensive civil establishments for English servants at Owde, would have been for ever concealed from the Directors, and from Parliament; and yet the said Hastings has had the audacity to pretend so complete an ignorance of the facts, that representing the Vizier as objecting to the largeness of the payments made by Bristow, and stating a very reduced list, which he was willing to allow for, amounting to £.30,000 a year, the said Hastings did affect to be alarmed at the magnitude, even of the list so curtailed, expressing himself as follows, in his minute of the 7th of December, 1784—"For my own part, when the Vizier's Minister first informed me that the amount which his master had authorized, and was willing to admit, for the charges of the Residency, and the allowances of the Gentlemen at Lucknow, was 25,000 rupees per month, I own I was startled at the magnitude of the sum, and was some days hesitating in my mind whether I could with propriety admit of it." Whereas he well knew that the three sums alone, of which the necessities aforesaid had compelled the discovery, did greatly exceed that sum, of which, at the first hearing he affects to have been so exceedingly alarmed, and thrown into a state of hesitation, which continued for some days: and although he the said Hastings was conscious that he had at the very time authorized an establishment to more than four times the amount thereof.

### XCIV.

That in the said deceits, prevarications, contradictions, malicious accusations, fraudulent concealments, and compelled discoveries, as well as in the said secret, corrupt, and prodigal disposition of the revenues of Owde, as well as in his breach of faith to the Nabob, in continuing expensive establishments, under a private agent of his own, after he had agreed to remove the Company's agent, the said Warren Hastings is guilty of an high offence and misdemeanor.

---

(No. 17.)

## MAHOMED REZA KHAN

### I.

**T**HAT it was the declared policy of the Company, on the acquisition of the Duannee of Bengal, to continue the Country Government, under the inspection of the Resident at the Nabob's Durbar in the first instance, and that of the President and Council in the last; and for that purpose they did stipulate to assign, for the support of the dignity of the Nabob, an annual allowance from the revenues, equal to four hundred pounds a year.

### II.

That, during the Country Government, the principal active person in the administration of affairs, for rank, and for reputation of probity, and of knowledge in the revenues and the laws, was Mahomed Reza Khan, who, besides large landed property, was possessed of offices, whose emoluments amounted nearly, if not altogether, to one hundred thousand pounds a year.

### III.

That the Company's servants, in the beginning, were not conversant in the affairs of the revenue, and stood in need of natives of integrity and experience to act in the management thereof. On that ground, as well as in regard to the rank which Mahomed Reza Khan held in the country, and the confidence of the people in him, they, the President and Council, did inform the Court of Directors, in their letter of the 30th of September, 1765, that "as Mahomed Reza Khan's short administration was irreproachable, they determined to continue him in a share of the authority;" and this information was not given lightly, but was founded upon an enquiry into his conduct, and a minute examination of charges made  
Y y  
against



against him by his rivals in the Nabob's court; they having insinuated to the Nabob, that a design was formed for deposing him, and placing Mahomed Reza on his throne; but, on examination, the President and Council declare, that "he had so openly and candidly accounted for every rupee disbursed from the Treasury, that they could not, without injury to his character, and injustice to his conduct, during his short administration, refuse continuing him in a share of the government."

## IV.

That the Company had reason to be satisfied with the arrangement made, so far as it regarded him; the President and Council having informed them in the following year, in their letter of the 9th of December, 1766, that "the large increase of the revenue, must, in a great measure, be ascribed to Mr. Sykes's assiduity, and to Mahomed Reza Khan's profound knowledge in the finances."

## V.

That the then President and Council, finding it necessary to make several reforms in the administration, were principally aided in the same by the suggestion, advice, and assistance of the said Mahomed Reza Khan; and, in their letter to the Court of Directors of the 24th of June, 1767, they state their resolution of reducing the emoluments of office, which before had arisen from a variety of presents, and other perquisites, to fixed allowances; and they state the merits of Mahomed Reza Khan therein, as well as the importance, dignity, and responsibility of his station, in the following manner:

"Mahomed Reza Khan has now, of himself, with great delicacy of honour, represented to us the evil consequences that must ensue from the continuance of this practice; since, by suffering the principal officers of the government to depend for the support of their dignity on the precarious fund of perquisites, they in a manner oblige them to pursue oppressive and corrupt measures, equally injurious to the country and the Company; and they accordingly assigned twelve lack of rupees for the maintenance and support of the said Mahomed Reza Khan, and two other principal persons, who held in their hands the most important employments of that government, having regard to their elevated stations, and to the expediency of supporting them in all the show and parade requisite to keep up the authority and influence of their respective offices, as they are all men of weight and consideration in the country, who held places of great trust and profit under the former government. We further propose, by this act of generosity, to engage their cordial services, and confirm them steady in our interests, since they cannot hope from the most successful ambition, to rise to greater advantages by any chance or revolution of affairs. At the same time it was reasonable we should not lose sight of Mahomed Reza Khan's past services; he has pursued the Company's interest with steadiness and diligence; his abilities qualify him to perform the most important services. The unavoidable charges of his particular situation are great; in dignity he stands second to the Nabob only;—and as he engages to increase the revenues, without injustice or oppression, to more than the amount of his salary, and to relinquish those advantages, to the amount of eight lacks of rupees per annum, which he heretofore enjoyed, we thought it proper, in the distribution of salaries, to consider Mahomed Reza Khan in a light superior to the other ministers. We have only to observe farther, that great and enormous as the sum must appear, which we have allotted for the support of the Ministers of the government, we will not hesitate to pronounce that it is necessary and reasonable, and will appear so, on the consideration of the power which men employed on these important services have, either to obstruct or promote the public good, unless their integrity be confirmed by the ties of gratitude and interest."

## VI.

That the said Mahomed Reza Khan continued, with the same diligence, spirit, and fidelity, to execute the trust reposed in him, which comprehended a large proportion of the weight of government, and particularly of the collections; and his attachment to the interest of the Company, and his extensive knowledge, was again, in the course of the year 1767, fully acknowledged, and stated to the Court of Directors; and it farther appears, that by an incessant application to business, his health was considerably impaired, which gave occasion, in the year following, that is, in February 1768, to a fresh acknowledgment of his services, in these terms: "We must, in justice to Mahomed Reza Khan, express the high sense we entertain of his abilities, and of the indefatigable attention he has shewn in the execution of the important trust reposed in him; and we cannot but lament the prospect of losing his services, from the present declining state of his health."

## VII. That



## VII.

That as, in the increase of the revenue, the said Mahomed Reza Khan was employed as a person likely to improve the same without detriment to the people, so, when the state of any province seemed to require a remission, he was employed as a person disposed to the relief of the people without fraud to the revenue; and this was expressed by the President and Council as follows, with relation to the remissions granted in the province of Bahar: "That the general knowledge of Mahomed Reza Khan, in all matters relative to the Duannee revenues, induced us to consent to such deductions being made, from the general state of that province at the last Poonah, as may be deemed irrecoverable, or such as may procure an immediate relief and encouragement to the Ryots in the future cultivation of their lands."

## VIII.

That the said Mahomed Reza Khan, in the execution of the said great and important trusts and powers, was not so much as suspected of an ambitious or encroaching spirit, which might make him dangerous to the Company's, then recent, authority, or which might render his precedence injurious to the consideration due to his colleagues in office; but, on the contrary, it appears that a plan having been adopted for dividing the administration, in order to remove the Nabob's jealousies, the same was in danger of being subverted by the ambition "of two of his colleagues, and the *excessive moderation of Mahomed Reza Khan.*" And for a remedy of the inconveniencies, which might arise from the excess of an accommodating temper, though attended with irreproachable integrity, the President and Council did send one of their own members, as their Deputy to the Nabob of Bengal, at his capital of Muxadavad; and this measure appears to have been adopted for the support of Mahomed Reza Khan, in consequence of an enquiry made, and advice given by Lord Clive, in his letter of the 3d of July, 1765; in which letter, he expresses himself of the said Mahomed Reza Khan as follows: "It is with pleasure I can acquaint you, that the more I see of Mahomed Reza Khan, the stronger is my conviction of his honour and moderation; but that, at the same time, I cannot help observing, that either from timidity, or an erroneous principle, he is too ready to submit to encroachments upon that proportion of power that has been allotted him."

## IX.

That the Nabob Jaffier Ally Khan dying in February, 1765, Mahomed Reza Khan was appointed guardian to his children, and administrator of his office, or regent, which appointment the Court of Directors did approve. But the party opposite to Mahomed Reza Khan having continued to cabal against him, sundry accusations were framed, relative to oppression at the time of the famine, and for a balance due during his employment of Collector of the revenues; upon which the Directors did order him to be deprived of his office, and a strict enquiry to be made into his conduct.

## X.

That the said Warren Hastings, then lately appointed to the Presidency, did, on the first of April, and on the 24th of September, 1772, write letters to the Court of Directors, informing them, that on the very next day after he had received (as he asserts) their private orders, "addressed to himself alone," and not to the Board, he did dispatch, by express messengers, his orders to Mr. Middleton, the Resident at the Nabob's court of Muxadavad, in a public character and trust with the Nabob, to arrest in his capital and at his Court, and without any previous notice given of any charge, his principal Minister, the aforesaid Mahomed Reza Khan, and to bring him down to Calcutta; and he did carefully conceal his said proceedings from the knowledge of the Board, on pretext of his not being acquainted with their dispositions, and the influence which he thought that the said Mahomed Reza Khan had amongst them.

## XI.

That the said Warren Hastings, at the time he gave his orders as aforesaid, for arresting the said Mahomed Reza Khan, did not take any measures to compel the appearance of any other persons as witnesses, declaring it as his opinion, "that there would be little need of violence to obtain such intelligence, as they could give, against their former master, when his authority is taken from him;" but he did afterwards, in excuse for the long detention and imprisonment of the said Mahomed Reza Khan, without any proofs having been obtained of his guilt, or measures taken to bring him to a trial, assure the Directors, in direct contradiction to his former declaration,



declaration, “ that the influence of Mahomed Reza Khan still prevailed generally throughout the country, in the Nabob’s household, and at the capital, and was scarcely affected by his present disgrace,”—notwithstanding, as he, the said Hastings, doth confess, he had used his utmost endeavours “ to break that influence, by removing his dependants, and putting the direction of all the affairs that had been committed to his care into the hands of the *most powerful or active of his enemies*; that he depended on the activity of their hatred to Mahomed Reza Khan, incited by the expectation of rewards, for investigating the conduct of the latter; that with this the institution of the new Duannee coincided, and that the same principle had guided him in the choice of Munny Begum and Rajah Gourdass, the former for the chief administration, the latter [the son of Nuncomar, and a mere instrument in the hands of his father] for the Duannee of the Nabob’s household, both the *declared enemies* of Mahomed Reza Khan.”

## XIII.

That although it might be true that enemies will become the most active prosecutors, and as such may, though under much guard and many precautions, be used even as witnesses; and that it ought not to be an exception, supposing their character and capacity otherwise good, to the appointing them to power; yet to advance persons to power, on the ground not of their honour and integrity, which might have produced the enmity of bad men, but merely for the enmity itself, without any reference whatsoever to a laudable cause, and even with a declared ill opinion of the morals of one of the party, such as was actually delivered in the said letter, by him the said Hastings, of Nuncomar (and which time has shewn, he might also on good ground have conceived of others) was, in the circumstances of a criminal enquiry, a motive highly disgraceful to the honour of government, and destructive of impartial justice, by holding out the greatest of all possible temptation to false accusation, to corrupt and factious conspiracies, to perjury, and to every species of injustice and oppression.

## XIV.

That in consequence of the aforesaid motives, and others pretended, which were by no means a sufficient justification to the said Warren Hastings, he did appoint the woman aforesaid, called Munny Begum, who had been of the lowest and most discreditable order in society, according to the ideas prevalent in India, but from whom he received several sums of money, to be Guardian to the Nabob in preference to his own mother, and to administer the affairs of the Government in the place of the said Mahomet Reza Khan, the second Mussulman in rank after the Nabob, and the first in knowledge, gravity, weight, and character, among the Mussulmen of that Province. And in order to try every method and to take every chance for his destruction, the said Warren Hastings did maliciously and oppressively keep him under confinement for a part of the time, without any enquiry, and afterwards with a slow and dilatory trial, for two years together.

## XV.

That notwithstanding a total revolution in the power, in part avowedly made for his destruction, the persons appointed for his trial did, on full enquiry, compleatly acquit the said Mahomed Reza Khan of the criminal charges against him, on account of which he had been so long persecuted and confined, and suffered much in mind, body, and fortune; and the Court of Directors, in their letter of the 3d of March 1775, testify their satisfaction in the conduct and result of the said enquiry, and did direct the restoration of the said Mahomed Reza Khan to liberty, and to the offices which he had lately held, which comprehended the management of the Nabob’s household, and the general superintendency of the justice of Bengal; but according to the orders of the Court of Directors, his appointments were reduced to thirty thousand pounds a year, or thereabouts, of which he did make grievous complaint, on account of the expences attendant on his station, and the heavy debts which he had been obliged to contract during his unjust prosecution and imprisonment aforesaid.

## XVI.

That on the removal of the said Mahomed Reza Khan from the superintendency of the criminal justice, and in consequence of letting the Province of Bengal in by the said Warren Hastings, several dangerous and mischievous innovations were made by him the said Warren Hastings, and the criminal justice of the country was almost wholly subverted, and great irregularities and disorders did actually ensue.

## XVII. Tha



## XVII.

That the Council General, established by Act of Parliament in the year 1773, did restore the said Mahomed Reza Khan, with the consent and approbation of the Nabob (but under a protest from the said Warren Hastings) to his liberty, and to his offices, according to the spirit of the orders given by the Court of Directors as aforesaid; and the Court of Directors did approve of the said appointment, and did assure the said Mahomed Reza Khan of their favour and protection, as long as his conduct should merit the same, in the following terms: "As the abilities of Mahomed Reza Khan have been sufficiently manifested: as official experience qualifies him for so high a station, in a more eminent degree than any other native with whom the Company has been connected; and as no proofs of maladministration have been established against him, either during the strict investigation of his conduct, or since his retirement; we cannot under all circumstances but approve your recommendation of him to the Nabob, to constitute him his Naib. We are well pleased that he has received that appointment, and authorise you to assure him of our favour, so long as a firm attachment to the interest of the Company, and a proper discharge of the duties of his station, shall render him worthy of our protection." And the said Mahomed Reza Khan did continue to execute the same, without any complaint whatsoever of malversation or negligence, in any manner or degree, in his said office.

## XVIII.

That in March 1778 the said Warren Hastings, under colour that the Nabob had completed his twentieth year, and had desired to be placed in the entire and uncontrouled management of his own affairs, and that Mahomed Reza Khan should be removed from his office, and that Munny Begum his stepmother, the dancing girl aforesaid, "should take on herself the management of the Nizamut [the government and general superintendency of criminal justice] without the interference of any person whatsoever;" and, notwithstanding the contradictions in the pretended applications from the Nabob, with whose incapacity for all affairs he was well acquainted, did, in defiance of the orders of the Court of Directors, and without regard to the infamy of an arrangement, made for the evident and declared purpose of delivering not only the family with the Prince, but the government and justice of a great kingdom, into such insufficient, corrupt, and scandalous hands; and though he has declared his opinion, "that our national character is concerned in the character which the Nabob may obtain in the public opinion," on obtaining a majority in Council, without any complaint, real or pretended, remove the said Mahomed Reza from all his offices, and did partition his salary as a spoil in the following manner:—To Munny Begum, the dancing girl aforesaid, an additional allowance of seventy-two thousand rupees [7,200l.] a year; to the Nabob's own mother, but half that sum, that is to say, 36,000 rupees [3,600l.] a year; to Rajah Gourdass, son of Nuncomar (whom he had described as a weak young man) 72,000 rupees [7,200l.] a year, as Controller of the Household; and to a Magistrate called Sudder ul Hock, who, in real subservency to the said Munny Begum, was nominally to act in the department of criminal justice, 78,000 rupees [7,800l.] a year; the total of which allowances exceeding the salary of Mahomed Reza Khan, by 18,000 rupees [1,800l.] yearly, he did, for the corrupt and scandalous purposes aforesaid, order the same to be made up from the Company's Treasury.

## XIX.

That Mr. Francis and Mr. Wheler, having moved that the execution of the aforesaid arrangement, the whole expence of which, ordinary and extraordinary, was charged upon the Company's treasury, and therefore could not be even colourably disposed of at the pretended will of the said Nabob, might be suspended until the pleasure of the Court of Directors thereon should be known; and the same being resolved agreeably to law, by a majority of the Council then present, the said Hastings urging on violently the immediate execution of his corrupt project, and having obtained, by the return of Richard Barwell, Esquire, a majority in Council, in his own casting vote, did rescind the aforesaid resolution, and did carry into immediate execution the aforesaid most unwarrantable, mischievous, and scandalous design.

## XX.

That the consequences which might be expected from such a plan of administration, did almost instantly flow from it. For the person appointed to execute one of the offices which had been filled by Mahomed Reza Khan, did soon find that the eunuchs of Munny Begum began to employ their power, with great superiority and insolence, in all the concerns of government,



and the administration of justice, and did endeavour to dispose of the offices relative to the same for their corrupt purposes, and to rob the Nabob's servants of their due allowances; and in his letter of the 1st of September, 1778, he sent a complaint to the Board, stating, "That certain bad men had gained an ascendancy over the Nabob's temper, by whose instigation he acts." And after complaining of the slights he received from the Nabob, he adds, "Thus they cause the Nabob to treat me, sometimes with indignity, at others with kindness, just as they think proper to advise him: Their view is, that by compelling me to displeasure at most unworthy treatment, they may force me either to relinquish my station, or to join with them, and act by their advice, and appoint creatures of their recommendation to the different offices, from which they might draw profit to themselves."

## XXI.

"That in a subsequent letter to the Governor, the said Superintendent of Justice did inform him, the said Warren Hastings, of the audacious and corrupt manner in which, by violence, fraud, and forgery, the Eunuchs of Munny Begum had abused the Nabob's name, to deprive the judicial and executory officers of justice of the salaries which they ought to have drawn from the Company's Treasury, in the following words:—"The Begums Ministers, before my arrival, with the advice of their Counsellors, caused the Nabob to sign a receipt, in consequence of which they received, at two different times, near 50,000 rupees [5000l.] in the name of the officers of the Adawlut Fousdary, &c. from the Company's Sircars; and having drawn up an account current *in the manner they wished*, they had got the Nabob to sign it, and sent it to me." And in the same letter he asserts, "That these people had the Nabob entirely in their power."

## XXII.

"That the said Warren Hastings, upon this representation, did, notwithstanding his late pretended opinion of the fitness and the right of the Nabob to the sole administration of his own affairs, authoritatively forbid him from any interference therein, and ordered that the whole should be left to the Magistrate aforesaid, to which the Nabob did, notwithstanding his pretended independence, yield an immediate and unreserved submission; for the said Hastings's order being given on the first of September at Calcutta, he received *an answer* from Muxadavad on the third, in the following terms:—"Agreeably to your pleasure I have relinquished all concern with the affairs of the Fousdary and Adawlut, leaving the entire management in Sudder ul Hock's hands." Which said circumstance, as well as many others, abundantly proves, that all the Nabob's actions were, in truth and fact, entirely governed by the influence of the said Hastings; and that however the said Hastings may have publicly discouraged the corrupt transactions of the said Court, yet he did secretly uphold the authority and influence of Munny Begum, who did entirely direct, with his knowledge and countenance, all the proceedings therein. For

## XXIII.

"That on the 13th of the same month of September, he did receive a further complaint of the corrupt and fraudulent practices of the chief eunuch of the said Munny Begum; and these corrupt practices did so continue and increase, that, on the 10th of October, 1778, he was obliged to confess, in the strongest terms, the pernicious consequences of his before-created unwarrantable and illegal arrangements; for, in a letter of that date to the Nabob, he expresses himself as follows: "At your Excellency's request, I sent Sudder ul Hock Khan to take on him the administration of the affairs of the Adawlut and Fousdary, and hoped by that means not only to have given satisfaction to your Excellency, but that, through his abilities and experience, these affairs would have been conducted in such manner, as to have secured the peace of the country, and the happiness of the people; and it is with the greatest concern I learn, that this measure is so far from being attended with the expected advantages, that the affairs, both of the Fousdary and Adawlut, are in the greatest confusion imaginable, and daily robberies and murders are perpetrated throughout the country. This is evidently owing to the want of a proper authority in the person appointed to superintend them. I therefore addressed your Excellency on the importance and delicacy of the affairs in question, and of the necessity of lodging full power in the hands of the person chosen to administer them; in reply to which, your Excellency expressed sentiments coincident with mine: Notwithstanding which, your dependants and people, actuated by *selfish and avaricious views*, have by their interference so impeded the business, as to throw the whole country into a state of confusion; from which nothing can retrieve it, but an unlimited power lodged in the hands of the Superintendent. I therefore request that your Excellency will give the strictest injunctions to all your dependants, not to interfere in any manner with any matter relative to the affairs of the Adawlut and Fousdary; and that you will yourself relinquish all interference



“ interference therein, and leave them entirely to the management of Sudder ul Hock Khan :  
 “ This is absolutely necessary, to restore the country to a state of tranquility,” And he concluded by again recommending the Nabob to withdraw all interference with the Administrator aforesaid; “ otherwise a measure, which I adopted at your Excellency’s request, and with a  
 “ view to your satisfaction, and the benefit of the country, will be attended with quite contrary effects, and bring discredit on me.”

## XXIV.

That the said Hastings, in the letter aforesaid, in which he so strongly condemns the acts, and so clearly marks out the mischievous effects, of the corrupt influence under which alone the Nabob acted, and under which alone, from his known incapacity, and his dependence on the person supported by the said Hastings, he could act, did propose to put all the Offices of Justice (which on another occasion he had requested him to *permit* to remain in the hands which then held them) into his own disposal; telling him, or rather the woman and Eunuch who governed him, “ that if his Excellency has any plan for the management of the affairs in future,  
 “ be pleased to communicate it to me, and every attention shall be paid to give your Excellency satisfaction.” By which means, not only particular parts, as before, but the whole system of justice was to be afloat, and to be subject to the purposes of the aforesaid corrupt cabal of women and Eunuchs.

## XXV.

That the Court of Directors, on receiving an account of the above arrangements, and being well apprized of the spirit, intention and probable effect of the same, did, in a clear, firm, and decisive manner, express their condemnation of the measure, and their rejection and reprobation of all the pretended grounds and reasons on which the same was supported; marking distinctly his prevarication and contradictions in the same, and pointing to him their full conviction of the unworthy motives on which he had made so shameful an arrangement; telling him, in the 17th paragraph of their general Letter, of the 4th of February, 1779, “ The Nabob’s letters of  
 “ the 25th and 30th of August, of the 3d of September, and 17th of November, leave us no  
 “ doubt of the *true* design of this *extraordinary* business being to *bring forward* Munny Begum,  
 “ and again to invest her with improper power and influence, notwithstanding our former declaration, that so *great* a part of the Nabob’s allowance had been embezzled and misapplied  
 “ under her superintendence.”

## XXVI.

That in consequence of the censure and condemnation of the unwarrantable measures of the said Warren Hastings by the Court of Directors, on the aforesaid and other weighty and substantial grounds, they did order and direct as follows, in the 20th paragraph of the general Letter of the same date: “ As we deem it for the welfare of the country, that the office of  
 “ Naib Soubadar be for the present continued, and that this high office should be filled by a  
 “ person of wisdom, experience, and of approved fidelity to the Company; and as we have  
 “ no reason to alter the opinion given of Mahomed Reza Khan, in our letter of the 24th of  
 “ December, 1776; we positively direct that you forthwith signify to the Nabob Mobareck  
 “ ul Dowla our pleasure, that Mahomed Reza Khan be immediately restored to the office of  
 “ Naib Soubadar; and we further direct, that Mahomed Reza Khan be again assured of the  
 “ continuance of our favour, so long as a firm attachment to the interest of the Company,  
 “ and a proper discharge of the duties of his station, shall render him worthy of our promotion.”

## XXVII.

That the aforesaid direction did convey in it such evident and cogent reason, and was so far enforced by justice to individuals, and by regard to the peace and happiness of the natives, as well as by the common decorum to be observed in all the transactions of Government, that the said Hastings ought to have yielded a cheerful obedience thereto, even if he had not been by a positive statute, and his relation of servant to the Company, bound to that just submission. Yet the said Hastings did, without denying or evading any one of the reasons assigned by the Court of Directors, or controverting the scandalous motives assigned by them for his conduct, contumaciously refuse obedience to the above positive order, on pretence that the Nabob, who, he had declared it on record “ to be as visible as the light of the sun, is a mere pageant, and  
 “ without even the shadow of authority,” did dissent from the same; and he did encourage the said Nabob, or rather the eunuchs, the corrupt Ministers of Munny Begum, to oppose himself and themselves to the authority of the said Court of Directors; by which means the arrangement,



ment, three times either ratified or expressly ordered by them, was wholly defeated; the afore-said corrupt system was continued; Mahomed Reza Khan was not restored to his office; and a lesson was taught to the natives of all ranks, that the declared approbation, the avowed sanction, and the decided authority of the Court of Directors, were wholly nugatory to their protection, against the corrupt influence of their servants.

## XXVIII.

That the said Warren Hastings, on a reconciliation with Mr. Francis, one of the Council General, who made it a condition thereof that certain of the Company's orders should be obeyed, and that Mahomed Reza Khan should be restored to his offices, did, a considerable time after, notwithstanding the pretended reluctance of the Nabob, and his pretended freedom, make, for his convenience in the said accommodation, the arrangement which he had unwarrantably and illegally refused to the orders of the Court of Directors; and did, of his own authority and that of the Board, restore Mahomed Reza Khan to his offices.

## XXIX.

That, soon after the departure of the said Mr. Francis, he did again deprive the said Mahomed Reza Khan of his said offices, and did make several great changes in the constitution of the criminal justice in the said country; and after having, under pretence of the Nabob's sufficiency for the management of his own affairs, displaced, without any specific charge, trial, or enquiry whatsoever, the said Mahomed Reza Khan, he did submit the said Nabob to the entire direction, in all parts of his concerns, of a Resident of his own nomination, Sir John Doyley, Bart. and did order an account of the most minute parts of his domestic economy to be made out, and to be delivered to the said Sir John Doyley, in the following words, contained in a paper by him intitled, INSTRUCTIONS from the Governor General to the Nabob Moharek ul Dowla, respecting his conduct in the management of his affairs: "You will be pleased to direct your Mutta Seddies to form an account of the fixed sums of your monthly expences, such as servants wages in the different departments, pensions and other allowances, as well as of the estimated amount of variable expences, to be delivered to Sir John Doyley, for my inspection. I have given such orders to Sir John Doyley as will enable him to propose to you such reductions of the pensions and other allowances, and such a distribution of the variable expences, as shall be proportionable to the total sum of your monthly income; and I must request you will conform to it." And he did, in the subsequent articles of his said instructions, order the whole management to be directed by Sir John Doyley, subject to his own directions, as aforesaid; and did even direct what company he should keep; and did throw reflections on some persons, in places the nearest to him, as of bad character and base origin—Persons whom he should decline to name as such, "unless he heard that they still availed themselves of his goodness to retain the places which they improperly hold near his person." And he did particularly order the said Nabob not to admit any English, but such as the said Sir John Doyley should approve, to his presence; and did repeat the said order in the following peremptory manner: "You must forbid any person of that nation to be intruded into your presence, without his introduction." And he did require his obedience in the following authoritative style: "I shall think myself obliged to interfere in another manner, if you neglect it."

## XXX.

That he the said Warren Hastings did insult the captive condition of the said Nabob, by informing him, in his imperious instructions aforesaid, that this total, blind, and implicit obedience, in every respect whatsoever, to Sir John Doyley and himself personally, and without any reference to the Board, "was the very conditions of the compliance of the Governor General and Council with his late requisition;" which requisition was, that he should enjoy the free and uncontrouled management of his own affairs. And though the said captive did offer, as he the said Hastings himself admits, four lacks of his stipend, at that time reduced to sixteen lack, for the free use of the remainder, yet he did place him the said Nabob in the state of servitude in the said instructions laid down, but a very short time after he had assumed and used the said Nabob's independent rights, as a ground for refusing to obey the Company's orders; and although he has declared or pretended, on another occasion, which he would have thought similar, that any attempt to limit the household expences of the Nabob of Owde, was an indignity "which no man living, however mean his rank in life, or dependent his condition in it, would permit to be exercised by any other, without the want or forfeiture of every manly principle."

## XXXI.

That the said Warren Hastings did order the said stipend (which was to be distributed, in the minutest particular, according to the said Hastings's personal directions) to be paid monthly, not



to any officer of the Nabob, but to the said Resident, Sir John Doyley. And whereas the Governor General and Council did, on the appointment of Mahomed Reza Khan, according to their duty, instruct him, that “ he do conform to the *orders* of the Company, which direct, “ that an annual account of the Nabob’s expences be transmitted, through the Resident at the “ Durbar, for the inspection of this *Board*,”—the said Hastings, in making his new establishment in favour of his Resident, did wholly omit the said instruction, and did confine the said communication to *himself* privately. And in fact it does not appear that any accounts whatsoever of the disposition of the said large sum, exceeding 160,000*l.* sterling a year, has been laid before the Board, or at least that any such account has been transmitted to the Court of Directors; and it is not fitting that any British servant of the Company should have the management of any public money, much less of so great a sum, without a public well-vouched account of the specific expenditure thereof.

## XXXII.

That the Court of Directors did, on the 17th of May 1766, propose certain rules for regulating the correspondence of the Resident with the Nabob of Bengal, in which they did direct, as a principle for the said regulations, as follows (paragraph 16th): “ We would have his correspondence to be carried on with the *Select Committee* through the channel of the President; “ he should keep a diary of all his transactions. His correspondence with the natives *must be* “ *publicly conducted*; copies of *all* his letters, sent and received, be transmitted monthly to the “ Presidency, with duplicates and triplicates to be transmitted home in our general packet by “ every ship.”

## XXXIII.

That the President and Select Committee (Lord Clive being then President) did approve of the whole substantial part of the said regulation (the diary excepted); and the principle, in all matters of account, ought to have been strictly adhered to, whatever limitations may have been given to the office of Resident. Yet he the said Warren Hastings, in defiance of the aforesaid good rules, orders, and late precedent in conformity to the same, did not only withhold any order for the purpose, but, in order to carry on the business of the said Durbar in a clandestine manner for his own purposes, did, as aforesaid, exclude all English from an intercourse with the Nabob, who might carry complaints or representations to the Board, or the Court of Directors, of his condition, or the conduct of the Resident; and did further, to defeat all possible publicity, insinuate to him, to give the preference to verbal communication above letters, in the words following, of the 9th article of his instructions to the Nabob: “ Although I desire to “ receive your letters frequently, yet, as many matters will occur which cannot be so *easily ex-* “ *plained by letters as by conversation*, I desire that you will, on such occasions, give your orders “ to him, respecting such points as you may desire to have imparted to me; and I, postponing “ every other concern, will give an immediate and the most satisfactory reply concerning them.” Accordingly, no relation whatsoever has been received by the Court of Directors, of the said Nabob’s affairs; nor any account of the money monthly paid, except from public fame, which reports that his affairs are in great disorder, his servants unpaid, and many of them dismissed, and all the Mussulmen dependent on his family in a state of indigence.

---

(No. 18.)

## The MOGUL delivered up to the MAHRATTAS.

## I.

**T**HAT Shâ Alum, the Prince, commonly called the Great Mogul, or, by eminence, *The King*, is, or lately was, in the possession of the antient capital of Hindostan; and though without any considerable territory, and without a revenue sufficient to maintain a moderate state, he is still much respected and considered; and the custody of his person is eagerly sought by many of the Princes in India, on account of the use to be made of his title and authority; and it was for the interest of the East India Company, that while, on one hand, no wars shall be entered into in support of his pretensions, on the other, no steps should be



taken which may tend to deliver him into the hands of any of the powerful states of that country ; but that he should be treated with friendship, good faith, and respectful attention.

## II.

That Warren Hastings, in contradiction to this safe, just, and honourable policy, strongly prescribed and enforced by the orders of the Court of Directors, did (at a time when he was engaged in a negotiation, the declared purpose of which was to give peace to India) concur with the Captain General of the Mahratta state, called Madajee Scindia, in hostile designs against the few remaining territories of that same Mogul Emperor, by virtue of whose grant the Company actually possess the government, and enjoy the revenues of great provinces, and also against the possessions of a Mahomedan Chief called Nudjif Cawn, a person of much merit with the East India Company ; in acknowledgment of which they had granted him a pension, included in the tribute due to the king, and together with that tribute, taken from him by the said Warren Hastings, though expressly *guaranteed* to him by the Company. With both these powers the Company had been in friendship, and were actually at peace at the time of the said clandestine concurrence in a design against them ; and the said Hastings hath since declared, that the right of one of them, namely, “ the right of the Mogul Emperor to our assistance, has been constantly acknowledged.”

## III.

That the said Warren Hastings, at the time of his treacherous concurrence in a design against a power, which he was himself of opinion we were bound to assist, and against whom there was no doubt he was bound neither to form nor to concur in any hostile attempt, did give a caution to Colonel Muir, to whom the negotiation aforesaid was entrusted on the part of the Company, against “ inserting any thing in the treaty which might *expressly* mark our *knowledge* “ of his [the Mahratta General’s] views or concurrence in them.” Which said transaction was full of duplicity and fraud ; and the crime of the said Hastings therein is aggravated, by his having some years before withheld the tribute, which by treaty was solemnly agreed to be paid to the said King, on pretence that he had thrown himself, for the recovery of his city of Delhi, on the protection of the Mahrattas, whom the said Warren Hastings then called *the natural enemies* of the Company, and the growth of whose power he then alledged to be highly dangerous to the interests of this kingdom in India.

## IV.

That after having concurred, in the manner before mentioned, in a design of the Mahrattas against the Mogul ; and notwithstanding he the said Warren Hastings had formerly declared, “ That with him [the Mogul] our connection had been a long time suspended, and *he wished never to see it renewed*, as it had proved a fatal drain to the wealth of Bengal, and the treasury “ of the Company, without yielding one advantage or possible resource, even of remote benefits, in return ;” the said Warren Hastings did nevertheless, on or about the month of March, 1783, with the privity and consent of the Members of the Board, but by no authoritative act, dispatch, as agents of him the Governor General only, and not as agents of the Governor General and Council, as they ought to have been, certain persons, among whom were Major Brown and Major Davy, to the Court of the King at Delhi, and did there enter into certain engagements with the said King, by the means of those Agents, and did carry on certain private and dangerous intrigues for various purposes, particularly for making war in favour of the said King, against some Powers or Princes not precisely described, but which, as may be inferred from by subsequent correspondence, to be certain Mahomedan Princes in the neighbourhood of Delhi, in amity with the Company, and some of them at that time in the actual service, and in the apparent confidence and favour of the said Mogul ; and he did order Major Browne to offer to the Mogul King, to provide for the *entire* expence of *any* troops the Shâ [the said King] might require ; and the proposal was accordingly accepted, with the conditions annexed ; by which proposal, and acceptance thereof, the East India Company was placed in a situation of great and perplexing difficulty, since either they were to engage, at an unlimited *expence*, in new wars, contrary to their orders, contrary to their general declared policy, and contrary to the published resolutions of the House of Commons, and wholly incompatible with the state of their finances ; or, to preserve peace, they must risk the imputation of a new violation of faith, by departing from an agreement made on the voluntary proposal of their own Government ; the Agent of the said Hastings having declared, in his letter to the said Hastings, by him communicated to the Board, “ That the business of “ assisting the Shâ [the Mogul Emperor] can and *must* go on, if we wish to be secure in “ India, or regarded as a nation of faith and honour.”

## V. That



## V.

That the said Warren Hastings did, on the 20th day of January, 1784, send in circulation to the other Members of the Council, a letter to him from his Agent, Major Browne, dated at Delhi on the 30th of December, 1783, viz. that letter to which the foregoing references are made, in which the said Browne did directly press, and indirectly (though sufficiently and strongly) suggest several highly dangerous measures, for realizing the general offers and engagements of the said Warren Hastings;—proposing, that besides a proportion of field artillery, and a train of battering cannon for the purpose of sieges, six regiments of Sepoys in the Company's service should be transferred to that of the said King, and that certain other corps should also be raised for the said service, in the English Provinces and Dependencies, to be immediately under the King's [the Mogul's] orders, and to be maintained by assignments of territorial revenue within the Province of Owde, a dependent member of the British Government, but with a caution against having any British officer with the same; the said Major Browne expressing his caution as followeth;—"If any European officer *be* with this corps, a very nice judgment indeed must direct the choice; for scarce any are in the smallest degree *fit for such* employ, but much more likely to do harm than good." And the letter aforesaid, being without any observation thereon, or any disavowal of the matters of fact, or of the councils so strongly and authoritatively delivered therein, by the said Warren Hastings's Agent, and without any mark of disapprobation of any part of his plan, whether that of the assignment of territory belonging to the Company's allies for the maintenance of troops, which were to be by that plan put under the orders of a foreign independent power, or that of employing the said troops without any British officer with them; or for his alarming observation by him entered on the Company's records, which, if not an implied censure on the nature of the service in which British officers are supposed improper to be trusted, is a strong reflection on the character of the British officers, which was to render them unfit to be employed in an honourable service—The said Warren Hastings did thereby give a countenance to the said unwarrantable and dangerous proposals and reflections.

## VI.

That, a considerable time before the production and circulation of Major Browne's letter, the said Hastings did enter a minute of consultation, containing a proposition similar in the general intent to that in the said letter contained, for assisting the Mogul with a military force; but the other Members of the Board did disagree thereto, and being alarmed at the disposition so strongly shewn by the said Hastings, to engage in new wars, and dangerous foreign connections, and possibly having intelligence of the proceedings of his Agent, did call upon him to produce his instructions to Major Browne; and he did on the 5th of October, 1783, and not before, enter on the consultation a certain paper, purporting to be the instructions which he had given to Major Browne the preceding March, the time of his, the said Browne's, appointment; in which pretended instructions no direction whatsoever was given to the effect of his the said Hastings's minute of consultation propounded; that is to say, no power was given in the said instructions to make a direct offer of military aid to the Mogul, or to form the arrangements stated by the said Browne, in his letter to the said Hastings, as having been made by the express authority of the said Hastings himself. But the said instructions contained nothing further on that subject, but a conditional direction, that in case a military force should be required for the Mogul's aid or protection, the Major is to know the service on which it is to be employed, and the resources from whence it is to be paid; and the instructions produced as his real instructions by the said Hastings, are so guarded, as to caution the said Browne against *taking any part in the intrigues of those who are about the King's person*. By which letters, instructions, and transactions, compared with each other, it appears that the said Warren Hastings, after six months delay in entering of (contrary to the Company's order) any instructions to the said Browne, did at last enter a false paper as the true, or that he did give other secret instructions, totally different from, and even opposite to the public ostensible instructions, thereby to deceive the Council, and to carry on, with less obstruction, dark and dangerous intrigues, contrary to the orders of the Court of Directors, to the true policy of this kingdom, and to the safety of the British possessions in the East.

## VII.

That the said letter from Major Browne was by the said Warren Hastings transmitted to the Court of Directors, without being accompanied by any part of the previous correspondence; by which wilful concealment the said Warren Hastings is guilty of an high and criminal disrespect to the Court of Directors, and of a most flagrant breach and violation of their orders, which he was bound by an Act of Parliament to obey.

## VIII. That



## VIII.

That the said Hastings, having early in the year 1784 procured to himself a deputation to act in the Upper Provinces, the Council, being well aware of his disposition to engage in unwarrantable designs against the neighbouring states, did expressly confine his powers, to the circumstance of his actual residence within the Company's Provinces: But it appears that ways were found out by which he hoped to defeat the precautions of the Board; for the said Warren Hastings did write from Lucknow, the capital of the country of Owde, to the Court of Directors, a certain postscript of a letter, dated the 4th of May, 1784, in which he informs the Court that the son and heir apparent of the Great Mogul had taken refuge with him, and the Nabob of Owde; that he had a conference with that Prince on the 10th of the same month of May, "no person being either present or within hearing" during the same, and that in the said conference the Prince had informed him of the distresses of his father, and his wish for the relief of the King, and the restoration of the dominions of his house, as well as to rescue him from the power of certain persons not named, who degraded him into a mere instrument of their interested and sordid designs; and that on a failure of his application to him, he would either return to his father, or proceed to Calcutta, and thence to England; and that the said Warren Hastings did give him an answer to the following effect; "That our [the British] Government had just obtained relief from a state of universal warfare, and required a term of repose; that our whole nation was weary of war, and dreaded the renewal of it, *and would be equally alarmed at every movement of which it could not see the issue or progress, but which might eventually tend to create new hostilities*; that he came hither [to Lucknow] "with a limited authority, and could not, if he chose it, engage in a business of that nature, *without the concurrence of his colleagues in office, who he believed would be averse to it*; that he would represent the same to the joint Members of his own Government, and wait their determination. In the mean time, he advised the Prince to make advances to Madajee Scindia, both because our Government *was in intimate and sworn connection* with him, and because he was the effectual head of the Mahratta state; besides that he, the said Warren Hastings, feared his [Scindia's] taking the other side of the question, unless he was early prevented."

## IX.

That in the statement of this discourse, there is much criminal reserve towards the Court of Directors, it not appearing distinctly what the objects were, nor who the persons concerned, nor what the side was which he apprehended the Mahrattas might take, if not prevented by his advances; and in the discourse itself there were many particulars highly criminal; namely, For that in the said conversation, in which he describes himself as declining a compliance with the request of the Prince, on account of the aversion (therein strongly expressed) of his colleagues, of the Company, and of the whole British nation, to engage in any measures which might even "eventually lead to hostilities"—he spoke to the Prince as if he had been entirely ignorant of the offers which but five months before had been made to the King his father, on the part of that very Government (whose repugnance to such measures he then for the first time chose to profess, but which he always had known) through Major Browne, the Company's representative at the Court of Delhi, "to provide for the *entire* expence of *any* troops which the Shaw [the King] might require;" and that this was "what the Resident had *always* proposed to the King and his confidential Ministers;"—the said Browne further declaring, that if, in consequence of the said proposals, certain arrangements for the Sha's service, by *troops*, were not immediately ordered, "in his opinion all our [English Government's] *offers and promises* will be considered as false and insidious." This being the known state of the business, as represented by the said Hastings's own Agent, and this the public opinion of it, although, to impose on the ignorance of the Prince, with regard to the proceedings at his father's Court, would have been unworthy in itself, yet he, the said Warren Hastings, could not hope to succeed in such imposition, as, in the postscript aforesaid, he represents the said Prince [who was the King's eldest son, and thirty-six years of age] as a person of considerable qualifications, and perfectly acquainted with the transactions at his father's Court, and as one who had long held the *principal* and most active part in the little that remained of the *administration* of *Sha Alum*. And the said Hastings, conferring with a Prince so well instructed, without making the slightest allusions to his said positive and recent engagements, or without giving any explanation with regard to them, the said Warren Hastings must appear to the said Prince either as a person not only contracting engagements, but actually being the first mover and proposer of them, without any authority from *his colleagues*, and against theirs and the general inclination of the British nation, and on that ground not to be trusted; or that he had used this plea of disagreement between him and his Council as a pretence, set up without colour or decency, for a gross violation of his own engagements; leaving the Princes and States of the Country no solid ground on which they can or ought to contract with the Company, to  
the



the utter destruction of all public confidence, and to the equal disgrace of the national candour, integrity, and wisdom.

## X.

That, in a letter dated from the same place, Lucknow, the 16th of the following June, 1784, the said Warren Hastings informs the Court of Directors, that Major Browne, their Agent to the Mogul, had arrived there in the character also of Agent from the Mogul, with two sets of instructions from two opposite parties in his Ministry, which instructions were directly contrary to each other; the first, which were the ostensible instructions, being to engage the said Hastings, in the Mogul's name, to enter into a treaty of mutual alliance with a Chief of the Country, then Minister to the said Mogul, called Afrasib Khan; the second were from another principal person, called Mudjed ul Dowlah, also a Minister of the said Mogul (but styled in the said letter *confidential*, for distinction) which were directly destructive of the former; and the said latter instructions, to which it seems credence was to be given, were sent "under the most solemn adjurations of secrecy." The purpose of these latter and secret instructions were to require the Company's aid in freeing the Mogul from the oppressions of his servants, namely, from the oppressions of the said *Afrasib*, between whom and the Company, Major Browne (at once Agent to that Company, and to two opposite factions in the Mogul's Court) accepted a power to make a treaty of mutual alliance, under the sanction of his Sovereign; and it does not appear that he, Warren Hastings, did discountenance the double-dealing and fraudulent agencies of his and the Company's Minister at that Court; or did disavow any particular in the letter from him the said Browne, of the 30th of December, 1783, stating the offers made on his part to the Mogul, so contradictory to his late declarations to the heir apparent of that Monarch, or did give any reprimand to the said Browne, or did shew any mark of displeasure against him, as having acted without orders, but did again send him, with renewed confidence, to the Court aforesaid.

## XI.

That the said Warren Hastings, still pursuing his said evil designs, did apply to the Council for discretionary powers relative to the intrigues and factions in the Mogul's Court, giving assurances of his resolution not to proceed against their sense: But the said Council, being fully aware of his disposition, and having Major Browne's letter, recorded by himself, the said Warren Hastings, before them, did refuse to grant the said discretionary powers; but on the contrary, did exhort him "most sedulously and cautiously to avoid, in his correspondence with "the different Princes in India, whatever may commit, or be strained into an interpretation of "committing, the Company, either as to their army or treasure;" observing, "that the "Company's orders are positive against their interference in the objects of dispute between the "country powers."

## XII.

That in order to subvert the plain and natural interpretation given by the Council to the orders of the Court of Directors, and to justify his dangerous intrigues, the said Warren Hastings, in his letter of the 16th June, 1784, to the said Court, did, in a most insolent and contemptuous manner, endeavour to persuade them of their ignorance of the true sense of their own orders, and to limit their prohibition of interference with the disputes of the Country Powers, to such Country Powers as are *permanent*; expressing himself as follows: "The faction which now "surrounds the Throne [the Mogul's Throne] is widely different from the idea which your "commands are intended to convey by the expressions to which you have generally applied them "of *Country Powers*, to which that of *permanency* is a necessary adjunct; and which may be "more properly compared to a splendid bubble, which the slightest breath of opposition may "dissipate, with every trace of its existence." By which construction the said Hastings did endeavour to persuade the Court of Directors, that they meant to confine their prohibition of sinister intrigues of those powers only who could not be easily hurt by them, and whose strength was such that their resentment of such clandestine interference was to be dreaded; but that where the powers were weak and fragile, such intrigues might be allowed.

## XIII.

That the said Hastings, further to persuade the Court of Directors to involve themselves in the affairs of the Mogul, and to reconcile this measure with his former conduct, and declared opinions, did write to them to the following effect; that "at that former period, to which the "ancient policy with regard to the Mogul applied, the King's authority was sufficiently respected " [which



“ [which he knew not to be true, having himself declared, in his minute of the 25th of October, 1774, that he remained at Delhi, the ancient capital of the Empire, *a mere cipher in the administration of it.*]” to maintain itself against common vicissitudes. That he would not have advised interference, if the King himself retained the exercise of it, *however feeble*, in his own hands. That if it [the Mogul’s authority] is suffered to receive its final extinction, it is impossible to foresee *what power may arise out of its ruins*, or what events may be linked in the same chain of revolution with it: But your interests *may* suffer by it—your reputation *certainly will*, as his right to our assistance has *been constantly acknowledged*, and by a train of consequences, to which our Government has, not incidentally, given birth; but most especially by the movements which *its influence, by too near an approach*, has excited, it has unfortunately become the efficient instrument of a great portion of the King’s present distresses and dangers;” intimating (as well as the studied obscurity of his expressions will permit any thing to be discerned) that his own late intrigues had been among the causes of the distresses and dangers, which by new intrigues he did pretend to remove: And he did conclude this part of his letter with some loose general expressions of his caution not to affect the Company’s interests or revenues by any measures he might at that time take.

## XIV.

That the principle, so far as the same hath been directly avowed, of the said proceedings at the Mogul’s Court, was as altogether irrational, and the pretended object as impracticable, as the means taken in pursuit of it were fraudulent and dishonourable, namely, the restoration of the Mogul in some degree to the dignity of his situation, and to his free agency in the conduct of his affairs. For the said Hastings, at the very time in which he did with the greatest apparent earnestness urge the purpose which he pretended to have in view with regard to the dignity and liberty of the Mogul Emperor, did represent him as a person wholly disqualified and even indisposed to take any active part whatsoever in the conduct of his own affairs; and that any attempt for that purpose would be utterly impracticable: And this he hath stated to the Court of Directors as a matter of public notoriety, in his said letter of the 16th of June, 1784, in the following emphatical and decisive terms:

“ *You need not be told the character of the King, whose inertness, and the habit of long suffering, has debased his dignity and the fortunes of his house beyond the power of retrieving either the one or the other.* Whilst his personal repose is undisturbed, he will prefer to live in the *meanest state of indigence*, under the rule of men whose views are bounded by avarice and the power which they derive from his authority, than commit any share of it to his own sons, though his affection for them is boundless in every other respect; from a natural jealousy, founded on the experience of a very different combination of those circumstances which once served as a temptation and example of unlawful ambition in the Princes of the Royal Line. His Ministers, from a policy more reasonable, have constantly employed every means of influence to confirm this disposition, and to prevent his sons from having any share in the distribution of affairs, so as to have established a complete usurpation of the Royal Prerogative under its own sanction and patronage.”

## XV

That the said Warren Hastings having given this opinion of the Sovereign for whose freedom he pretended so anxious a concern, did describe the Minister, with whom he had long acted in concurrence, and from whom he had just received the extraordinary secret Embassy aforesaid, for the purpose of effecting the deliverance of his Master, the Mogul, from the usurpations of his Ministers, as follows;—“ The First Minister, Mudjud ul Dowlah, is *totally* deficient in every military quality; conceited of his own superior talents; and formed to the practice of *that crooked policy, which generally defeats its own purpose*, but sincerely attached to his Master.” The reality of the said attachment was not improbable but altogether useless; as the said Minister was the only one among the principal persons about the King, who (besides the total want of all military and civil ability) possessed no territories, troops, or other means of serving and supporting him; but was himself solely upheld by his influence over his Master; neither doth the said Hastings free him any more than the persons more efficient, who were to be destroyed, from a disposition to alienate the King from an attention to his affairs, and from all confidence in his own family; but on the contrary, he brings him forward as the very first among the instances he adduces to exemplify the practices of the Ministers against their Sovereign and his children.

## XVI. That



## XVI.

That the said Warren Hastings, recommending in general terms, and yet condemning in detail, every part of his own pretended plan, as impracticable in itself, and as undertaken in favour of persons all of whom he describes as incapable, and the principal as indisposed to avail himself thereof, must have had some other motives for this long, intricate, dark, and laborious proceeding with the Mogul, which must be sought in his actions, and the evident drift and tendency thereof, and in declarations which were brought out by him to serve other purposes, but which serve fully to explain his real intentions in this intrigue.

## XVII.

That the other Members of the Council General having abundantly certified their averments to his intrigues, and even having shewn apprehensions of his going personally to the Mogul and the Mahrattas for the purpose of carrying on the same, the said Hastings was driven headlong to acts which did much more openly indicate the true nature and purpose of his machinations: For he at length recurred directly and with little disguise to the Mahrattas, and did open an intrigue with them, although he was obliged to confess in his letter aforesaid, of the 16th June, 1784, that the exception which he contended to be implied in the orders of the Court of Directors, forbidding the intermeddling in the dispute of "the Country Powers," namely, that "Powers not permanent," did by no means apply to the Mahrattas; and he informs the Court of Directors that he did, on the very first advice he received of the flight of the Mogul's son, write to Mr. James Anderson to apprize the Mahratta Chief, Scindia, of that event; "for which, as he was unprepared, he desired his [the said Scindia's] advice for his conduct on the occasion of it." Which method of calling for the advice of a Foreign Power to regulate his political conduct, instead of being regulated therein by the advice of the British Council, and the standing orders of the Court of Directors, was a procedure highly criminal; and the crime is aggravated by his not communicating the said correspondence to the Council General, as by his duty he was bound to do; but it does abundantly prove his concert with the Mahrattas in all that related to his negotiations in the Mogul Court, which were carried on agreeably to their advice, and in subserviency to their views and purposes.

## XVIII.

That in consequence of the cabal begun with the Mahrattas, the said Chief, Scindia, did send his "familiar and confidential Ministers" to him the said Hastings, being at Lucknow, with whom the said Hastings did hold several secret conferences, without any Secretary or other Assistant; and the said Hastings hath not conveyed to the Court of Directors any minutes thereof, but hath purposely involved even the general effect and tendency of these conferences in such obscurity, that it is no otherwise possible to perceive the drift and tendency of the same, but by the general scope of councils and acts relative to the politics of the Mogul, and of the Mahrattas together, and by the final event of the whole, which is sufficiently visible. For

## XIX.

That the said Hastings had declared, in his said letter of the 16th of June, 1784, that the Mogul's right to our assistance had been constantly acknowledged; that the Mogul had been oppressed by the lesser Mahomedan Princes, in the character of his officers of state and military commanders; and he did plainly intimate that the said Mogul ought to be relieved from that servitude. And he did, in giving an account to the Court of Directors of the conferences aforesaid, assure them that "his inclinations [the inclinations of the Mahratta Chief aforesaid] were not very dissimilar from his own;" and that "neither in this, nor in any other instance, would he suffer himself to be drawn into measures which shall tend to weaken their connexion, nor in this even to oppose his [the said Chief's] inclinations;" the said Hastings well knowing, as in his letter to Colonel Muir of the he has confessed, that the inclinations of the said Scindia were to seize on the Mogul's territories, and that he himself did secretly concur therein, though he did not formally insert his concurrence in the treaty with the said Mahratta Chief. It is plain therefore that he did all along concur with the Mahrattas in their designs against the said King and his Ministers, under the treacherous pretence of supporting the authority of the former against the latter; and did contrive and effect the ruin of them all:—For, first, he did give evil and fraudulent counsel to the heir apparent of the Mogul "to make advances to the Mahrattas," when he well knew, and had expressly concurred in, the designs of that state against his father's [the Mogul's] dominions; and farther



ther to engage and entrap the said Prince, he did assert that "our Government [meaning the British Government] " was in intimate and sworn connexion with Madajee Scindia," when no alliance offensive or defensive appears to exist between the said Scindia and the East India Company, nor can exist, otherwise than in virtue of some secret agreement between him the said Scindia and Warren Hastings, entered into by the latter without the knowledge of his colleagues, and the Government, and never communicated to the Court of Directors: And, secondly, he did, in order to further the designs of the Mahrattas, contrive and effect the ruin of the said Mogul and his authority, by setting on foot, through the aforesaid Major Browne, sundry perplexed and intricate negotiations, contrary to public faith, and to the honour of the British nation; by which he did exceedingly encrease the confusion and disorders of the Mogul's Court, exposing the said Mogul to new indignities, insults, and distresses, and almost all of the Northern parts of India to great and ruinous convulsions, until three out of four of the principal Chieftans, some of them possessing the territories lately belonging to Nudjiff Cawn, and maintaining among them eighty thousand troops of horse and foot, and some of which Chiefs were the Ministers aforesaid, being cut off by their mutual dissensions, and the fort of Delhi being at length delivered to the Mahrattas, the said Scindia became the uncontroled ruler of the royal army; and the person of the Mogul, with the use of all his pretensions and claims, fell into the hands of a nation already too powerful, together with an extensive territory, which entirely covers the Company's Possessions and Dependencies on one side, and particularly those of the Nabob of Owde.

## XX.

That the circumstances of these countries did, in the opinion of the said Warren Hastings himself, sufficiently indicate to him the necessity of not aggrandizing any power whatsoever on their borders, he having, in the aforesaid letter of the 16th of June, given a deliberate opinion of the situation of Owde, in the words following: "That whilst we are at peace with the powers of Europe it is only in this quarter that your possessions, under the Government of Bengal, are vulnerable." And he did farther in the said letter state, that "if things had continued as they had been to that time, with a divided Government, [viz. the Company's and the Vizier's, which Government he had himself established, and under which it ever must in a great degree remain, whilst the said country continues in a state of dependence] " the slightest shock from a foreign hand, or even an *accidental internal commotion*, might have thrown the whole into confusion, and produced the most fatal consequences." In this perilous situation he made the above-recited sacrifices to the ambition of the Mahrattas, and did all along so actively countenance and forward their proceedings, and with so full a sense of their effect, that in his minute of the 24th of December, 1784, he has declared, "that in the countries which border on the dominions of the Nabob Vizier, or on that quarter of our own, in effect *there is no other power*." And he did further admit, that the presence of the Mahratta Chief aforesaid, so near the borders of the Nabob's dominions, was no cause of suspicion; for, "that it is the effect of *his own solicitation*, and is *so far* the effect of an act of that Government."

## XXI.

That in further pursuit of the same pernicious design, he the said Warren Hastings did enter into an agreement to withdraw a very great body of the British troops out of the Nabob's dominions; asserting, however truly, yet in direct contradiction to his own declarations, that "this Government [meaning the British Government] has not any right to force defence with its maintenance upon him" [the Nabob]; and he did thus not only avowedly aggrandize the Mahratta state, and weaken the defence upon the frontier, but did as avowedly detain their Captain General in force on that very frontier; notwithstanding he was well apprized, that they had designs against those dependent territories of Owde, which they had with great difficulty been persuaded even in appearance to include in the treaty of peace; and that they have never renounced their claims upon certain large and valuable portions of them, and have shewn evident signs of their intentions, on the first opportunity of asserting and enforcing them. And, finally, the said Warren Hastings, in contradiction to sundry declarations of his own, concerning the necessity of curbing the power of the Mahrattas, and to the principle of sundry measures undertaken by himself professedly for that purpose, and to the sense of the House of Commons, expressed in their resolution of 28th of May, 1782, against any measures that tended to unite the dangerous powers of the Mahratta empire under one active command, has endeavoured to persuade the Company, that "while Scindia lives, every accession of territory obtained by him will be an advantage to this (the British) Government;" which, if it was true as respecting the personal dispositions of Scindia, which there is no reason to believe, yet it was highly criminal to establish a power in the Mahrattas, which must survive



the man in confidence of whose personal dispositions a power more than personal was given, and which may hereafter fall into hands disposed to make a more hostile use of it.

## XXII.

That in consequence of all the before-recited intrigues, the Mogul Emperor being in the hands of the Mahrattas, he the said Mogul has been obliged to declare the head of the Mahratta state to be Vicegerent of the Mogul Empire, an authority which supercedes that of Vizier, and has thereby consolidated in the Mahratta state all the powers acknowledged to be of legal authority in India ; in consequence of which they have acquired, and have actually already attempted to use, the said claims of general superiority against the Company itself ; the Mahrattas claiming a right in themselves to a fourth part of the revenues of all the provinces in the Company's possession, and claiming in right of the Mogul the tribute due to him ; by which actings and doings the said Hastings has, to the best of his power, brought the British provinces in India into a dependence on the Mahratta state ; and in order to add to the aforesaid enormous claims a proportioned force, he did never cease, during his stay in India, to contrive the means for its increase : For it is of public notoriety, that one great object of the Mahratta policy is to unite under their dominion the nation or religious sect of the Seiks, who being a people abounding with soldiers, and possessing large territories, would extend the Mahratta power over the whole of the vast countries to the North-West of India.

## XXIII.

That the said Warren Hastings, farther to augment the power of the said Mahrattas, and to endanger the safety of the British possessions, having established in force the said Mahrattas on the frontier, as afore recited, and finding the Council General averse in that situation to the withdrawing the British forces therefrom, and for disbanding them to the extent required by the said Hastings, did in a Minute of the 4th of December, 1784, after stating a supposition, that, contrary to his opinion, the said troops should not be reduced, propose to employ them under the command of the Mogul's son, then under the influence of the Mahrattas, in a war against the aforesaid people or religious sect, called Seiks, defending the same on the following principles : " I feel the sense of an obligation imposed on me by the supposition I have made to state a mode of rendering the detachment of use in its prescribed station, and of affording the appearance of a cause for its retention."

## XXIV.

That the said Hastings did admit, that there was no present danger to the Company's possessions from that nation, which could justify him in such a war, as he had declared that the Mahrattas were the *only power* that bordered on the Company's possessions and those of the Vizier ; but he did assign, as a reason for going to war with them, their military and enthusiastic spirit ; the hardness of their natural constitution ; the dangers which might arise from them in some future time, if they should ever happen to be united under one head, they existing at present in a state little different from anarchy ; and he did predict great danger from them, and at no very remote period, " if this people be permitted to grow into maturity without interruption." And though he doth pretend, that the solicitations of the heir apparent of the Mogul, who he says did repeatedly and earnestly solicit him to obtain the permission to use the Company's troops for the purpose aforesaid, had weight with him ; yet he doth declare, as he expresses himself in the Minute aforesaid, that " a *stronger impulse*, arising from the hope of *blasting the growth* of a generation whose strength *might become fatal* to our own, strongly pleaded in my mind for supporting his wishes."

## XXV.

That the said Warren Hastings, after forcibly recommending the plan aforesaid, did state strong objections, that did, " in his judgment, outweigh the advantages which might arise from a compliance with it." Yet the said Hastings, being determined to pursue his scheme for aggrandizing, at any rate, the Mahratta power, in whose adult growth, and the recent effects of it, he could see no danger, did pursue the design of war against a nation or sect of religion in its infancy, from whom he had received no injury, and in whose present state of government he did not apprehend any mischief whatsoever : And finding the Council fixed and determined on not disbanding the frontier regiments, and thinking that therein he had found an advantage, he did ground thereon the following proposition :

" If the expence [of the frontier troops] is to be continued, it may be surely better continued for some useful purpose, than to keep up the parade of a great military corps, designed  
3 C " merely



“ merely to lie inactive in its quarters. On this ground therefore, and on the supposition  
 “ premised, I revert to my original sentiments in favour of the Prince’s plan; but as this will  
 “ require some qualification in the execution of it, I will state my recommendation of it in  
 “ the terms of a proposition, viz. that if it shall be the resolution of the Board to continue the  
 “ detachment now under the command of Colonel Sir John Cumming at Furruckabad; and  
 “ if the Prince Mirza Jehander Shaw shall apply, *with the authority of the King, and the concurrence*  
 “ *of Madajee Scindia*, for the assistance of an English military force to act in conjunction with  
 “ him, to expel the Seiks from the territories of which they have lately possessed themselves in  
 “ the neighbourhood of Delhi, it may be granted, and such a portion of the said detachment  
 “ allotted to that service as shall be hereafter judged adequate to it.”

## XXVI.

That the said Warren Hastings did, in the said proposal, endeavour to circumvent and overreach the Council General, by converting an apparent and literal compliance with their resolution into a real and substantial opposition to and disappointment thereof. For his first proposal was to withdraw the Company’s troops from the Vizier’s country, on the pretence of relieving him from the burthen of that establishment, but in reality with a view of facilitating the Mahratta pretensions on that province, which would then be deprived of the means of defence. And when the Council rejected the said proposal, on the express ground of danger to the province, by withdrawing from the Mahrattas the restraint of our troops, the said Hastings, finding his first scheme in favour of the Mahrattas, against the provinces dependent on the Company, defeated, by the refusal of the Council to concur in the said measure of withdrawing the troops, did then endeavour to obtain the same purpose in a different way; and instead of leaving the troops, according to the intention and policy of the Council, as a check to the ambition and progress of the Mahrattas, he proposed to employ them in the actual furtherance of those schemes of aggrandizement, of which his colleagues were jealous, and which it was the object of their resolution to counteract.

## XXVII.

That in the whole of the letters, negotiations, proposals, and projects of the said Warren Hastings, relative to the Mogul, he did appear to pursue but one object, namely, the aggrandizement of the lately hostile and always dangerous power of the Mahrattas; and did pursue the same by means highly dishonourable to the British character for honour, justice, candour, plain dealing, moderation, and humanity.

---

(No. 19.)

## LIBEL ON THE COURT OF DIRECTORS.

## I.

**T**HAT Warren Hastings, Esquire, was, during the whole of the year 1783, a servant of the East-India Company, and was bound by the duties of that relation, not only to yield obedience to the orders of the Court of Directors, but to give to the whole of their service an example of submission, reverence, and respect to their authority: And that if they should, in the course of their duty, call in question any part of his conduct, he was bound to conduct his defence with temper and decency; and while his conduct was under their consideration, it was not allowable to print and publish any of his letters to them, without their consent first had and obtained; and he was bound by the same principles of duty, enforced by still more cogent reasons, to observe, in a paper intended for publication, great modesty and moderation, and to treat the said Court of Directors, his lawful masters, with respect.

## II.

That the said Warren Hastings did print and publish, or cause to be printed and published, at Calcutta in Bengal, the Narrative of his Transaction at Benares, in a letter written at that place,



place, without leave had of the Court of Directors, in order to pre-occupy the judgment of the servants in that settlement, and to gain from them a factious countenance and support, previous to the judgment and opinion of the Court of Directors, his lawful superiors.

### III.

That the Court of Directors, having come to certain resolutions of fact relative to the engagements subsisting between them and the Rajah of Benares, and the manner in which the same had been fulfilled on the part of the Rajah, did, in the fifth resolution, which was partly a resolution of opinion, declare as follows: "That it appears to this Court, that the conduct of the Governor General towards the Rajah, whilst he was at Benares, was improper; and that the imprisonment of his person, thereby disgracing him in the eyes of his subjects, and others, was unwarrantable and highly impolitic, and may tend to weaken the confidence which the native Princes of India ought to have in the justice and moderation of the Company's government."

### IV.

That the said Resolutions being transmitted to the said Warren Hastings, he, the said Warren Hastings, did write, and cause to be printed and published, a certain false, insolent, malicious, and seditious libel, purporting to be a letter from him, the said Warren Hastings, to the Court of Directors, dated Fort William, 20th of March, 1783, "calculated [as the Directors truly affirm] to bring contempt, as well as an odium, on the Court of Directors, for their conduct on that occasion;" and the said libel had a direct tendency to excite a spirit of disobedience to the lawful government of this nation in India, through all ranks of their service.

### V.

That he, the said Warren Hastings, among other insolent and contumacious charges and aspersions on the Court of Directors, did address them in the printed letter aforesaid, as follows:—"I deny that Rajah Cheit Sing was a native Prince of India. Cheit Sing is the son of a collector of the revenue of that province, which his arts, and the misfortunes of his master, enabled him to convert to a permanent and hereditary possession. This man, whom you have thus ranked among the Princes of India, will be astonished, when he hears it, at an elevation so unlooked for; nor less at the independent rights which your commands have assigned him; rights which are so foreign to his conceptions, that I doubt whether he will know in what language to assert them; unless the example which you have thought it consistent with justice, however opposite to policy, to shew, of becoming his advocates against your own interests, should inspire any of your own servants to be his advisers and instructors." And he did further, to bring into contempt the authority of the Company, and to excite a resistance to their lawful orders, frame a supposition, that the Court of Directors had intended the restoration of the Rajah of Benares and on that ground did presume, in the said Libel, to calumniate, in disrespectful and contumelious terms, the policy of the Court of Directors, as well as the person whom he did conceive to be the object of their protection, as followeth:—"Of the consequences of such a policy I forbear to speak. Most happily, the wretch whose hopes may be excited by the appearances in his favour, is ill qualified to avail himself of them, and the force which is stationed in the province of Benares is sufficient to suppress any symptoms of internal sedition; but it cannot fail to create distrust and suspense in the minds both of the rulers and of the people, and such a state is always productive of disorder. But it is not in this partial consideration that I dread the effects of your commands, it is in your proclaimed indisposition against the first executive Member of your first government in India. I almost shudder at the reflection of what might have happened, had these denunciations against your own Minister, in favour of a man universally considered, in this part of the world, as justly attainted for his crimes, the murderer of your servants and soldiers, and the rebel to your authority, arrived two months earlier."

### VI.

That the said Warren Hastings did also presume to censure and asperse the Court of Directors for the moderate terms in which they had expressed their displeasure against him, as putting him under the necessity of stating in his defence a strong accusation against himself; and as implying in the said Court a consciousness that he was not guilty of the offences charged upon him, being, as he asserts, in the Resolutions of the Court of Directors, "arraigned and pre-judged of a violation of national faith in acts of such complicated aggravation, that, if they were true, no punishment SHORT OF DEATH could atone for the injury which the interest and credit of the public



“public had sustained in them :” And he did therefore censure the said Court, for applying no stronger or more criminal epithets, than those of “improper, unwarrantable, and highly impolitic,” to an offence so by them charged, and by him described. And though it be true, that the expressions aforesaid are much too reserved for the purpose of duly characterising the offences of the said Hastings, yet was it in *him* most indecent, to libel the Court of Directors for the same; and his implication, from the tenderness of the epithets and descriptions aforesaid used towards him, was not only indecent, but ungrounded, malicious, and scandalous; he having himself highly, though truly aggravated “the charge of the injuries done by him to the “Rajah of Benares,” in order to bring the said Directors into contempt and suspicion; the paragraphs in the said libel being as follow: “Here I must crave leave to say, that the terms “*improper, unwarrantable, and highly impolitic*, are much too gentle, as deductions from such “premises; and as every reader of the latter will obviously feel, as he reads, the deductions “which inevitably belong to them, I will add that the strict performance of solemn engagements on one part, followed by acts directly subversive of them, and by total dispossession, “on the other, stamps on the perpetrators of the latter the guilt of the greatest possible violation of faith and justice.”—“There is an appearance of tenderness in this deviation from “plain construction, of which, however meant, I have a right to complain; because it imposes on me the necessity of framing the terms of the accusation against myself, which you “have only not made, but have stated the leading arguments to it so strongly, that no one who “reads these can avoid making it, *or not know it to have been intended.*”

## VII.

That the said Hastings, being well aware that his own declarations did contain the clearest condemnation of his own conduct from his own pen, did, in the said libel, attempt to overturn, frustrate, and render of none effect, all the proofs to be given of prevarication, contradiction, and of opposition of action to principle, which can be used against men in public trust, and did contend that the same could not be used against him; and as if false assertions could be justified by factious motives, he did endeavour to do away the authority of his own *deliberate, recorded* declarations, entered by him *in writing* on the Council Books of the Presidency; for, after asserting, *but not attempting to prove*, that his declarations were consistent with his conduct, he writes in the said libel as follows: For “were it otherwise, they were not to be made “the rules of my conduct; and God forbid that every expression dictated by the impulse “of present emergency, and unpremeditatedly uttered in the heat of party contention, should “impose upon me the obligation of a fixed principle, and be applied to every variable “occasion.”

## VIII.

That the said Hastings, in order to draw the lawful dependence of the servants of the Company from the Court of Directors, to a factious dependence on himself; did, in the libel aforesaid, treat the acts and appointments of their undoubted authority, when exercised in opposition to his arbitrary will, as ruinous to their affairs, in the following terms: “It is as well known “to the Indian world, as to the Court of English Proprietors, that the first declaratory instruments of the dissolution of my influence, in the year 1774, were Mr. John Bristow and Mr. Francis Fowke: by your ancient and known constitution, the Governor has been ever held “forth, and understood to possess the ostensible powers of Government; all the correspondence “with foreign Princes is conducted in his name; and every person resident with them for the “management of your political concerns, is understood to be *more especially* his representative, “and of *his* choice—and such ought to be the rule; for how otherwise can they trust an Agent, “nominated against the will of *his* principal? When the state of this administration was such “as seemed to admit of the appointment of Mr. Bristow to the Residency of Lucknow, without “much diminution of *my own* influence, I gladly seized the occasion to shew my readiness to “submit to your commands. I proposed his nomination; he was nominated, and declared to be “the *Agent of my own choice*. Even this effect of my caution is defeated by your absolute command “for his re-appointment independent of me, and with the supposition that I should be adverse “to it.—I am now wholly deprived of my official powers, both in the Province of Owde, “and the Zemindary of Benares.”

## IX.

That, further to emancipate others and himself from due obedience to the Court of Directors, he did, in the libel aforesaid, enhance his services; which, without specification or proof, he did suppose, in the said libel, to be important and valuable, by representing them as done under their displeasure; and doth attribute his not having done more, to their opposition, as followeth: “It is now a complete period of eleven years since I first received the first nominal charge “of



“ of your affairs ; in the course of it I have *invariably* had to contend, not with ordinary difficulties, but such as most *unnaturally* arose from the *opposition of those very powers from which I primarily derived my authority, and which were required for the support of it.* My exertions, though applied to an unvaried and consistent line of action, have been occasional and desultory ; yet I please myself with the hope, that in the annals of your dominion, which shall be written after the extinction of recent prejudices, this term of its administration will appear not the least conducive to the interests of the Company, nor the least reflective of the honour of the British name ; and allow me to suggest the instructive reflection of *what good might have been done, and what evil prevented, had due support been given to that Administration which has performed such eminent and substantial services without it.*”

And the said Hastings, farther to render the authority of the said Court perfectly contemptible, doth, in a strain of exultation for his having escaped out of a measure, in which by his guilt he had involved the Company in a ruinous war, and out of which it had escaped by a sacrifice of almost all the territories before acquired (from that enemy which he had made) either by war, or former treaties, and by the abandoning the Company's allies to their mercy ; attribute the said supposed services to his acting in such a manner as had on former occasions excited their displeasure, in the following words :

“ Pardon, Honourable Sirs, this digressive exultation ; I cannot suppress the pride which I feel in this successful achievement of a measure so fortunate for your interests, and the national honour ; for that pride is the source of my zeal, so frequently exerted in your support, and never more happily than in those instances in which *I have departed from the prescribed and beaten path of action, and assumed a responsibility which has too frequently drawn on me the most pointed effects of your displeasure.* But however I may yield to my private feelings, in thus enlarging on the subject, my motive in introducing it was immediately connected with its context, and was to contrast the *actual state of your political affairs, derived from a happier influence, with that which might have attended an earlier dissolution of it :*” And he did value himself upon “ the patience and temper with which he had submitted to all the indignities which have been heaped upon him [meaning by the said Court of Directors] in this long service :” And he did insolently attribute to an unusual strain of zeal for their service, that he “ *persevered in the VIOLENT MAINTENANCE OF HIS OFFICE.*”

## X.

That in order further to excite the spirit of disobedience in the Company's servants, to the lawful authority set over them, he the said Warren Hastings did treat contemptuously and ironically the supposed disposition of the Company's servants to obey the orders of the Court of Directors, in the words following : “ The recal of Mr. Markham, who was known to be the public Agent of my own nomination at Benares, and the re-appointment of Mr. Francis Fowke, by your order, contained in the same letter, would place it [the restoration of Cheit Sing] beyond a doubt. *This order has been obeyed ; and whenever you shall be pleased to order the restoration of Cheit Sing, I will venture to promise the same ready and exact submission in the other Members of the Council :*” And he did, in the postscript of the said letter, and as on recollection, endeavour to make a reparation of honour to his said colleagues, as if his expressions aforesaid had arisen from animosity to them, as follows : “ Upon a careful revisal of what I have written, I fear that an expression which I have used, respecting the probable conduct of the Board, in the event of orders being received for the restoration of Cheit Sing, may be construed as intimating a sense of dissatisfaction, applied to transactions already past.—It is not my intention to complain of any one.”

## XI.

That the said Hastings, in the acts of injury aforesaid to the Rajah of Benares, did assume and arrogate to himself an illegal authority therein, and did maintain that the acts done in consequence of that measure were not revocable by any subsequent authority, in the following words : “ If you should proceed to order the restoration of Cheit Sing to the Zemindary, from which, *by the powers which I legally possessed, and conceive myself legally bound to assert against any subsequent authority to the contrary, derived from the same common source,* he was dispossessed for crimes of the greatest enormity, and your Council shall resolve to execute the order, I will instantly give up my station, and the service.

## XII.

That the said Warren Hastings did attempt to justify his publication of the said libellous letter, to and against the Court of Directors, by asserting therein, that these Resolutions [meaning



[meaning the Resolutions of the Court of Directors, relative to the Rajah of Benares] “ were “ either published, or intended for publication ;” evidently proving, that he did take this unwarrantable course without any sufficient assurance that the ground and motive by him assigned, had any existence.

( No. 20. )

## M A H R A T T A W A R and P E A C E.

## I.

**T**HAT by an Act, passed in 1773, it was expressly ordered and provided, “ that it should “ not be lawful for any President and Council of Madras, Bombay, or Bencoolen, for “ the time being, to make any orders for commencing hostilities, or declaring or making war, “ against any Indian Princes or powers, or for negotiating or concluding any treaty of peace, “ or other treaty, with any such Indian Princes or powers, without the consent and approba- “ tion of the Governor General and Council first had and obtained, except in such cases of *im- “ minent necessity* as would render it dangerous to postpone such hostilities or treaties until the or- “ ders from the Governor General and Council might arrive.”—That nevertheless the President and Council of Bombay did, in December, 1774, without the consent and approbation of the Governor General and Council of Fort William, and in the midst of profound peace, commence an unjust and unprovoked war against the Mahratta Government, did conclude a treaty with a certain person, a fugitive from that Government, and proscribed by it, named Ragonaut Row, or Ragoba ; and did, under various base and treacherous pretences, invade and conquer the island of Salfette, belonging to the Mahratta Government.

## II.

That Warren Hastings, on the first advices received in Bengal of the above transactions, did condemn the same in the strongest terms ; declaring that “ the measures adopted by the Presi- “ dency of Bombay had a tendency to a very extensive and indefinite scene of troubles ; and that “ their conduct was unseasonable, impolitic, unjust, and unauthorized.”—And the Governor General and Council, in order to put a stop to the said unjust hostilities, did appoint an Ambassador to the Peshwa, or Chief of the Mahratta State, Resident at Poona ; and the said Ambassador did, after a long negotiation, conclude a definitive Treaty of Peace with the said Peshwa, on terms highly honourable and beneficial to the East India Company, who, by the said treaty, obtained from the Mahrattas a cession of considerable tracts of country the Mahratta share of the city of Broach, twelve lacks of rupees for the expences of the said unjust war, and particularly the island of Salfette, of which the Presidency of Bombay had possessed themselves by surprise and treachery ; that in return for these extraordinary concessions, the articles principally insisted on by the Mahrattas, with a view to their own future tranquility and internal quiet, were, that *no assistance should be given to any subject or servant of the Peshwa that should cause disturbances, or rebellion, in the Mahratta dominions*, and particularly, that the English *should not assist Ragonaut Row*, to whom the Mahrattas agreed to allow five lacks of rupees a year, or a jaghire to that amount, and that he should reside at Benares ; that nevertheless, the Presidency of Bombay did receive and keep Ragonaut Row at Bombay, did furnish him with a considerable establishment, and continue to carry on secret intrigues and negotiations with him, thereby giving just ground of jealousy and distrust to the Mahratta State : That the late Colonel John Upton, by whom the Treaty of Poorunder was negotiated and concluded, did declare to the Governor General and Council, “ That while Ragonaut Row resides at Bombay, in expectation of being supported, “ the Ministers can place no confidence in the Council there ; which must now be productive of “ the greatest inconveniencies, and perhaps, in the end, of fatal consequences.” That the said Warren Hastings, concurring with his Council, which then consisted of Sir John Clavering, Richard Barwell, and Philip Francis, Esquires, did on the 18th of August, 1777, declare to the Presidency of Bombay, “ that he could see no reason to doubt that the presence of “ Ragoba at Bombay would continue to be an insuperable bar to the completion of the treaty conclude



“ concluded with the Mahratta Government, nor could any sincere cordiality and good understanding be established with them, as long as he should appear to derive encouragement and support from the English.” That Sir John Clavering died soon after, and that the late Edward Wheler, Esquire, succeeded to a seat in the Supreme Council. That, on the 29th of January, 1778, the Governor General and Council received a letter from the Presidency of Bombay, dated the 12th of December, 1777, in which they declared, “ That they had agreed to give encouragement to a party formed in Ragoba’s favour, and flattered themselves they should meet with the hearty concurrence of the Governor General and Council in the measures they might be obliged to pursue in consequence.” That the party so described was said to consist of four principal persons in the Mahratta State, on whose part some overtures had been made to Mr. William Lewis, the Resident of Bombay, at Poona, *for the assistance of the Company to bring Ragoba to Poona.* That the said Warren Hastings, immediately on the receipt of the preceding advices, did propose and carry it in Council, by means of his casting voice, and against the remonstrances, arguments, and solemn protest of two Members of the Supreme Council, That the sanction of that Government should be given to the plan which the President and Council of Bombay had agreed to form with the Mahratta government; and also, that a supply of money (to the amount of ten lacks of rupees) should be immediately granted to the President and Council of Bombay *for the support of their engagements above mentioned;* and also, that a military force should be sent to the Presidency of Bombay. That, in defence of these resolutions, the said Warren Hastings did falsely pretend and affirm, “ that the resolution of the Presidency of Bombay was formed on such a case of *imminent necessity,* as would have rendered it dangerous to postpone the execution of it, until the orders from the Governor General and Council might arrive; and that the said Presidency of Bombay were warranted, by the treaty of Poorunder, to join in a plan for conducting Ragonaut Row to Poona, on the application of the ruling part of the Mahratta State;” whereas the main object of the said treaty, on the part of the Mahrattas, and to obtain which they made many important concessions to the India Company, was, that the English should withdraw their forces, and give no assistance to Ragoba, and that he should be excluded for ever from any share in their government, being a person *universally held in abhorrence* in the Mahratta Empire; and if it had been true, (instead of being, as it was, notoriously false) that the ruling part of the administration of the Mahratta State solicited the return of Ragonaut Row to Poona, his return, in that case, might have been effected by Acts of their own, without the interposition of the English power, and without our interference in their affairs. That it was the special duty of the said Warren Hastings, derived from a special trust reposed in him, and power committed to him by Parliament, to have restrained, as by law he had authority to do, the subordinate Presidency of Bombay from entering into hostilities with the Mahrattas, or from making engagements, the manifest tendency of which was to enter into those hostilities, and to have put a stop to them, if any such had been begun. That he was bound by the duty of his office to preserve the faith of the British government, pledged in the treaty of Poorunder, inviolate and sacred, as well as by the special orders and instructions of the East India Company, *to fix his attention to the preservation of peace throughout India;* all which important duties the said Warren Hastings did wilfully violate, in giving the sanction of the Governor General and Council to the dangerous, faithless, and ill-concerted projects of the President and Council of Bombay, herein before mentioned, from which the subsequent Mahratta war, with all the expence, distress, and disgraces which have attended it, took their commencement; and that the said Warren Hastings therefore is specially and principally answerable for the said war, and for all the consequences thereof. That in a letter dated the 20th of January, 1778, the President and Council of Bombay informed the Governor General and Council, that in consequence of later intelligence received from Poona, they had *immediately resolved that nothing further could be done, unless Saccaram Baboo, the principal in the late treaty [of Poorunder] joined in making a formal application to them.* That no such application was ever made by that person. That the said Warren Hastings, finding that all this pretended ground for engaging in an invasion of the Mahratta government had totally failed, did then pretend to give credit to, and to be greatly alarmed by the suggestions of the President and Council of Bombay, that the Mahrattas were negotiating with the French, and had agreed to give them the port of Choul, on the Malabar coast, and did affirm that the French *had obtained possession of that port:* That all these suggestions and assertions were false; and, if they had been true, would have furnished no just occasion for attacking either the Mahrattas or the French, with both of whom the British nation was then at peace:—That the said Warren Hastings did then propose and carry the following resolution, in Council, against the protest of two members thereof, that, “ For the purpose of granting you [the Presidency of Bombay] the most effectual support in our power, we have resolved to assemble a strong military force near Calpee, the commanding officer of which is to be ordered to march, by the most practicable route, to Bombay, or to such other place as future occurrences, and your directions to him, may render it expedient.” And with respect to the steps said to be taking *by the French to obtain a settlement on the Malabar Coast,* the said Warren Hastings did declare to the Presidency of Bombay, “ that it was the opinion of the Governor General and Council that no time ought to be lost in forming



“ forming and carrying into execution such measures as might most effectually tend to frustrate such dangerous designs:”—That the said Warren Hastings therefore, instead of fixing his attention to the preservation of peace throughout India, as it was his duty to have done, did continue to abet, encourage, and support the dangerous projects of the Presidency of Bombay, and did thereby manifest a determined intention to disturb the Peace of India, by the unfortunate success of which intention, and by the continued efforts of the said Hastings, the greatest part of India has been for several years involved in a bloody and calamitous war. That both the Court of Directors and Court of Proprietors did specially instruct the said Warren Hastings, in all his measures, “ to make the safety and prosperity of Bengal his principal object,” and did heavily censure the said Warren Hastings for having employed their troops at a great distance from Bengal, in a war against the Rohillas, which the House of Commons have pronounced to be *iniquitous*, and did on that occasion expressly declare, “ That they disapproved of all such distant expeditions, as might eventually carry their forces to any situation too remote to admit of their speedy and safe return to the protection of their own Provinces, in case of emergency.” That the said Warren Hastings nevertheless ordered a detachment from the Bengal army to cross the Jumna, and to proceed across the Peninsula, by a circuitous route, through the diamond country of Bundle Cund, and through the dominions of the Rajah of Berar, situated in the center of Indostan, and did thereby strip the Provinces subject to the Government of Fort William of a considerable part of their established defence, and did thereby disobey the general instructions, and positive orders of the Court of Directors (given upon occasion of a crime of the same nature committed by the said Hastings) and was guilty of a high crime and misdemeanor.

That the said Warren Hastings, having taken the measures herein before described for supporting those of the Presidency of Bombay, did, on the 23d of March, 1778, “ invest the said Presidency with authority to form a new alliance with Ragoba, and to engage with him in *any* scheme which they should deem expedient and safe for retrieving his affairs.” That the said Hastings was then in possession of a letter from the Court of Directors, dated the 4th of July, 1777, containing a positive order to the Presidency of Bombay, in the following words: “ Though that treaty [meaning the treaty of Poorunder] is not, upon the whole, so agreeable to us as we could wish, still we are resolved strictly to adhere to it on our parts. You must therefore be particularly vigilant; while Ragoba is with you, to prevent him from forming any plan against what is called the Ministerial Party at Poona; and we hereby positively order you not to engage with him in any scheme whatever in retrieving his affairs, without the consent of the Governor General and Council, or the Court of Directors.” That the said Ragoba neither did or could form any plan for his restoration, but what was and must be against the Ministerial Party at Poona; who held and exercised the Regency of that State in the infancy of the Peshwa; and that, supposing him to have formed any other *scheme*, in conjunction with Bombay, for *retrieving his affairs*, the said Hastings, in giving a previous *general* authority to the Presidency of Bombay to engage with Ragoba in *any* scheme for that purpose, without knowing what such scheme might be, and thereby relinquishing and transferring to the discretion of a subordinate Government, that superintendence and controul over all measures tending to create or provoke a war, which the law had exclusively vested in the Governor General and Council, was guilty of a high crime and misdemeanor. That the said Warren Hastings, having first declared that the measures taken by him were for the support of the engagements made by the Presidency of Bombay, in favour of Ragoba, did afterwards, when it appeared that those negotiations were *entirely laid aside*, declare that his apprehension of the consequence of a pretended intrigue between the Mahrattas and the French; *was the sole motive of all the late measures taken for the support of the Presidency of Bombay*; but that neither of the preceding declarations contained the true motives and objects of the said Hastings, whose real purpose, as it appeared soon after, was to make use of the superiority of the British power in India, to carry on offensive wars, and to pursue schemes of conquest, impolitic and unjust in their design, ill-concerted in the execution, and which, as this House has resolved, *have brought great calamities on India, and enormous expences on the East India Company*. That the said Warren Hastings, on the 22d of June, 1778, made the following declaration in Council: “ Much less can I agree that, with such superior advantages as we possess over every power which can oppose us, we should act *merely on the defensive*. On the contrary, if it be really true that the British arms and influence have suffered so severe a check in the Western world, it is more incumbent on those, who are charged with the interests of Great Britain in the East, to *exert themselves for the retrieval of the national loss*. We have the means in our power, and, if they are not frustrated by our own dissensions, I trust that the event of this expedition will yield every advantage, *for the attainment of which it was undertaken*.” That, in pursuance of the principles avowed in the preceding declaration, the said Warren Hastings, on the 9th of July, 1778, did propose, and carry it in Council, that an Embassy should be sent from Bengal to Moodajee Boosla, the Rajah of Berar, falsely asserting, that the said Rajah, “ was, by interest



“ interest and inclination, likely to join in an alliance with the British Government; and  
 “ suggesting that two advantages might be offered to him, as the inducements to it; First,  
 “ the support of his pretensions to the Sovereign power [viz. of the Mahratta Empire]; Second,  
 “ the recovery of the captures made on his dominions by Nizam Ally.” That the said Hastings,  
 having already given full authority to the Presidency of Bombay to engage the British faith to  
 Ragonaut Row, to support him in his pretensions to the Government or to the Regency of the  
 Mahratta Empire, was guilty of a high crime and misdemeanor, in proposing to engage the same  
 British faith to support the pretensions of another competitor for the same object; and that in  
 offering to assist the Rajah of Berar to recover the captures made on his dominions by the  
 Nizam, the said Hastings did endeavour, as far as depended on him, to engage the British  
 nation in a most unjust and utterly unprovoked war against the said Nizam, between whom and  
 the East India Company a treaty of peace and friendship did then subsist, unviolated on his part;  
 notwithstanding the said Hastings well knew that it made part of the East India Company’s fun-  
 damental policy to support that Prince against the Mahrattas, and to consider him as one of the  
*few remaining Chiefs, who were yet capable of coping with the Mahrattas*, and that it was the Com-  
 pany’s true interest to preserve a good understanding with him. That, by holding out such offers  
 to the Rajah of Berar, the said Hastings professed to hope that the Rajah would ardently catch at  
 the objects presented to his ambition; and although the said Hastings did about this time lay it down  
 as a maxim, that *there is always a greater advantage in receiving solicitations than in making advances*,  
 he nevertheless declared to the said Rajah, that in the whole of his conduct he had departed  
 from the common line of policy, and had made advances where others, in his situation, would have  
 waited for solicitation; that the said unjust and dangerous projects did not take effect, because  
 the Rajah of Berar refused to join or be concerned therein; yet so earnest was the said Hastings  
 for the execution of those projects, that, in a subsequent letter, he daringly and treacherously  
 assured the Rajah, “ that, if he had accepted of the terms offered him by Colonel Goddard,  
 “ and concluded a treaty with the Government of Bengal upon them, he should have held the  
 “ obligation of it superior to that of any engagement formed by the Government of Bombay,  
 “ and should have thought it his duty to maintain it, &c. against every consideration, even of  
 “ the most valuable interests and safety of the English possessions intrusted to his charge.” That all  
 the offers of the said Hastings were rejected with slight and contempt by the Rajah of Berar;  
 but the same being discovered and generally known throughout India, did fill the Chief of the  
 Princes and States of India with a general suspicion and distrust of the ambitious designs and  
 treacherous principles of the British Government, and with an universal hatred of the British  
 nation; that the said Princes and States were thereby so thoroughly convinced of the necessity of  
 uniting among themselves to oppose a power which kept no faith with any of them, and equally  
 threatened them all, that, renouncing all former enmities against each other, they united in a  
 common confederacy against the English; viz. the Peshwa, as Representative of the Mahratta  
 State, and Moodajee Boosla, the Rajah of Berar, that is, the principal Hindoo powers of India,  
 on one side; and Hyder Ally, and the Nizam of the Decan, that is, the principal Mahomedan  
 powers of India, on the other, and that in consequence of this confederacy, Hyder Ally invaded,  
 over-ran, and ruined the Carnatic; and that Moodajee Boosla, instead of ardently catching at  
 the objects presented to his ambition by the said Hastings, sent an army to the frontiers of Bengal;  
 which army the said Warren Hastings was at length forced to buy off with twenty-six lacks of  
 rupees, or £. 300,000 sterling, after a series of negotiation with the Mahratta Chiefs who com-  
 manded that army, founded and conducted on principles so dishonourable to the British name  
 and character, that the Secret Committee of the House of Commons, by whom the rest of the  
 proceedings in that business were reported to the House, have, upon due consideration, thought it  
 proper to leave out the letter of instructions to Mr. Anderson, viz. those given by the said Warren  
 Hastings to the Representative of the British Government; and concerning which the said  
 Committee have reported in the following terms:—“ The schemes of policy by which the  
 “ Governor General seems to have dictated the instructions he gave to Mr. Anderson [the  
 “ Gentleman deputed] will also appear in this document, as well respecting the particular  
 “ succession to the Rajah, as also the mode of accommodating the demand of Chout, the  
 “ establishment of which was apparently the great aim of Moodajee’s political manœuvres,  
 “ while the Governor General’s wish to defeat it was avowedly more intent on the removal of  
 “ a nominal disgrace, than on the anxiety or resolution to be freed from an expensive, if an  
 “ unavoidable incumbrance.”

That while the said Warren Hastings was endeavouring to persuade the Rajah of Berar to en-  
 gage with him in a scheme to place the said Rajah at the head of the Mahratta Empire, the Pre-  
 sidency of Bombay, by virtue of the powers specially vested in them for that purpose by the said  
 Hastings, did really engage with Ragonaut Row, the other Competitor for the same object, and  
 sent a great part of their military force established for the defence of Bombay, on an expedition  
 with Ragonaut Row, to invade the dominions of the Peshwa, and to take Poona, the capital  
 thereof; that his army being surrounded and overpowered by the Mahrattas, was obliged to capi-  
 tulate; and then, through the moderation of the Mahrattas, was permitted to return quietly, but



very disgracefully, to Bombay. That, supposing the said Warren Hastings could have been justified in abandoning the project of reinstating Ragonaut Row, which he at first authorized, and promised to support, and in preferring a scheme to place the Rajah of Berar at the head of the Mahratta empire, he was bound by his duty, as well as in justice to the Presidency of Bombay, to give that Presidency timely notice of such his intention, and to have restrained them positively from resuming their own project: That, on the contrary, the said Warren Hastings did, on the 17th of August, 1778, again authorize the said Presidency "to assist Ragoba with a military force to conduct him to Poona, and to establish him in the Regency there;" and, so far from communicating his change of plan to Bombay, did keep it concealed from that Presidency; inasmuch that, even so late as the 19th of February, 1779, William Hornby, then Governor of Bombay, declared in Council his total ignorance of the schemes of the said Hastings, in the following terms; "The schemes of the Governor General and Council, with regard to the Rajah of Berar, being yet unknown to us, it is impossible for us to found any measures on them; yet I cannot help now observing, that if, as has been conjectured, the gentlemen of that Presidency have entertained thoughts of restoring, in his person, the ancient Rajah Government, the attempt seems likely to be attended with no small difficulty:" That whereas the said Warren Hastings did repeatedly affirm, that it was his intention to support the plan formed by the Presidency of Bombay in favour of Ragoba, and did repeatedly authorize and encourage them to do it, he did, never heless, at the same time, in his letters and declarations to the Peshwa, to theizam, and to the Rajah of Berar, falsely and perfidiously affirm; *that it never was nor is designed by the English Chiefs to give support to Ragonaut Row; that he, Hastings, had no idea of supporting Ragonaut Row; and that the detachment he had sent to Bombay was solely to awe the French, without the least design to assist Ragonaut Row:* That, supposing it to have been the sole professed intention of the said Hastings, in sending an army across India, to protect Bombay against a French invasion, even that pretence was false, and used only to cover the real design of the said Hastings; viz to engage in projects of war and conquest with the Rajah of Berar. That on the 11th of October, 1778, he informed the said Rajah, "that the detachment would soon arrive in his territories, and depend on him, Moodajee Boosla, for its subsequent operations:" That on the 7th of December, 1778, the said Hastings revoked the powers he had before given to the Presidency of Bombay, over the detachment, declaring, that the event of Colonel Goddard's negotiation with the Rajah of Berar *was likely to cause a very speedy and essential change in the design and operations of the detachment;* and that, on the 4th of March, 1779, the said Hastings, immediately after receiving advice of the defeat of the Bombay army near Poona, and when Bombay, if at any time, particularly required to be protected against a French invasion, did declare in Council, that he *wished for the return of the detachment to Berar, and dreaded to hear of its proceeding to the Malabar coast;* and therefore, if the said Hastings did not think that Bombay was in danger of being attacked by the French, he was guilty of repeated falsehoods in affirming the contrary, for the purpose of covering a criminal design; or, if he thought that Bombay was immediately threatened with that danger, he then was guilty of treachery, in ordering an army, necessary on that supposition to the immediate defence of Bombay, to halt in Berar, to depend on the Rajah of Berar for its subsequent operations, or on the event of a negotiation with that Prince, which, as the said Hastings declared, *was likely to cause a very speedy and essential change in the design and operations of the detachment;* and finally, in declaring that he *dreaded to hear of the said detachment's proceeding to the Malabar Coast,* whither he ought to have ordered it to proceed without delay, if, as he has solemnly affirmed, it was true that *he had been told, by the highest authority, that a powerful armament had been prepared in France, the first object of which was an attack upon Bombay; and that he knew, with moral certainty, that all the Powers of the adjacent Continent were ready to join the invasion.*

That through the whole of these transactions, the said Warren Hastings has been guilty of continued falsehood, fraud, contradiction, and duplicity, highly dishonourable to the character of the British nation; that in consequence of the unjust and ill-concerted schemes of the said Hastings, the British arms, heretofore respected in India, have suffered repeated disgraces, and great calamities have been thereby brought upon India; and that the said Warren Hastings, as well in exciting and promoting the late unprovoked and unjustifiable war against the Mahrattas, as in the conduct thereof, has been guilty of sundry high crimes and misdemeanors.

That by the definitive Treaty of Peace concluded with the Mahrattas at Poorunder on the 1st of March, 1776, the Mahrattas gave up all right and title to the Island of Salfette, unjustly taken from them by the Presidency of Bombay; did also give up to the English Company, for ever, all right and title to their entire shares of the City and Pergunna of Broach; did also give for ever, to the English Company a country of three lacks of rupees revenue, near to Broach; and did also agree to pay to the Company twelve lacks of rupees, in part, of the expences of the



the English army ; and that the terms of the said treaty *were honourable and advantageous to the India Company.*

That Warren Hastings having broken the said treaty, and forced the Mahrattas into another war, by a repeated invasion of their country, and having conducted that war in the manner herein before described, did, on the 17th of May, 1782, by the agency of Mr. David Anderson, conclude another Treaty of perpetual Friendship and Alliance with the Mahrattas, by which the said Hastings agreed to deliver up to them all the countries, places, cities, and forts, particularly the Island of Bassein (taken from the Peshwa, during the war) and to relinquish all claim to the country of three lacks of rupees, ceded to the Company by the Treaty of Poorunder : That the said Warren Hastings did also, at the same time, by a private and separate agreement, deliver up to Madajee Scindia the whole of the City of Broach ; that is, not only the share in the said City which the India Company acquired by the Treaty of Poorunder, but the other share thereof, which the India Company possessed for several years before that treaty ; and that, among the reasons assigned by Mr. David Anderson for totally stripping the Presidency of Bombay of all their possessions on the Malabar Coast, he has declared that “ from the general tenor of the *rest* of the Treaty, the settlement of Bombay would be in future put on such a footing, that it might well become a question whether the possession of an inconsiderable territory, without forts, would not be attended with more loss than advantage, as it must necessarily occasion considerable expence, must require troops for its defence, and might probably in the end lead, as Scindia apprehended, to a renewal of war.”

That the said Warren Hastings having in this manner put an end to a war commenced by him without provocation, and continued by him without necessity, and having for that purpose made so many sacrifices to the Mahrattas, in points of essential interest to the India Company, did consent and agree to other articles utterly dishonourable to the British name and character, having sacrificed or abandoned every one of the Native Princes, who, by *his* solicitations and promises had been engaged to take part with us in the war ; and that he did so without necessity, since it appears that Scindia, the Mahratta Chief, who concluded the Treaty, *in every part of his conduct manifested a hearty desire of establishing a peace with us ;* and that this was the disposition of all the parties in the Mahratta confederacy, who were only kept together by a general dread of their common enemy, the English, and who only waited for a cessation of hostilities with us to return to their habitual and permanent enmity against each other. That the Governor General and Council, in their letter of 31st August, 1781, made the following declaration to the Court of Directors : “ The Mahrattas have demanded the sacrifice of the person of Ragonaut Row, the surrender of the Fort and Territories of Ahmedabad, and of the Fortresses of Gualior, *which are not ours to give, and which we could not wrest from the Proprietors, without the greatest violation of public faith.* No state of affairs, in our opinions, could warrant our acquiescence to such requisition ; and we are morally certain, that had we yielded to them, such a consciousness of the state of our affairs would have been implied, as would have produced an effect the very reverse from that for which it was intended, by raising the presumption of the enemy to exact yet more *ignominious* terms, or perhaps their refusal to accept of any ; nor, in our opinion, would they have failed to excite in others the same belief, and the consequent decision of all parties against us, as the natural consequences of our decline.” That the said Hastings himself, in his instructions to Mr. David Anderson, after authorizing him to restore *all* that we had conquered during the war, expressly “ *excepted* Ahmedabad, and the territory conquered for Futty Sing Gwicowar.” That nevertheless the said Hastings, in the peace concluded by him, has yielded to every one of the conditions reprobated in the preceding declarations, as *ignominious*, and incompatible with public faith.

That the said Warren Hastings did abandon the Rana of Gohud, in the manner already charged ; and that the said Rana has not only lost the Fort of Gualior, but all his own country, and is himself a prisoner.—That the said Hastings did not interpose to obtain any terms in favour of the Nabob of Bopaul, who was *with great reason desirous of concealing from the Mahrattas the attachment he had borne to the English Government ;* the said Nabob having a just dread of the danger of being exposed to the resentment of the Mahrattas, and no dependence on the faith and protection of the English. That by the 9th article of the treaty with Futty Sing, it was stipulated, that when a negotiation for peace should take place, his interest should be primarily considered ; and that Mr. David Anderson, the Minister and Representative of the Governor General and Council, did declare to Scindia, that it was indispensably incumbent on us to support Futty Sing's rights.

That nevertheless every acquisition made for or by the said Futty Sing, during the war, particularly *the Fort and Territories of Ahmedabad*, were given up by the said Hastings : That Futty Sing was replaced under the subjection of the Peshwa (whose resentment he had provoked by takin



taking part with us in the war) and under an obligation to pay a tribute, not specified, to the Peshwa, and to perform such services, and to be subject to such obedience, *as had long been established and customary*; and that, no limit being fixed to such tribute or services, the said Ruddy Sing has been left wholly at the mercy of the Mahrattas.

That with respect to Ragoba, the said Hastings, in his instructions to Mr. Anderson, dated 4th of November, 1781, contented himself with saying “ We cannot *totally* abandon the interests of Ragonaut Row. Endeavour to obtain for him an adequate provision.”—That Mr. Anderson declared to Madjee Scindia, “ that as we had given Ragoba protection as an independent Prince, and not brought him into our settlement as a prisoner, we could not *in honour* pretend to impose the *smallest* restraint on his will, and he must be at liberty to go wherever he pleased; that it must rest with Scindia himself to prevail on him to reside in his country; all that we could do was to *agree*, after a reasonable time, to *withdraw our protection from him*, and not *insist on the payment of the stipend to him*, as Scindia had proposed unless on the condition of his residing in some part of Scindia’s territories.”

That, notwithstanding all the preceding declarations, and in violation of the public faith repeatedly pledged to Ragoba, he was totally abandoned by the said Hastings in the treaty, no provision whatever being made even for his subsistence, but on a condition to which he could not submit, without the certain loss of his liberty, and probable hazard of his life; namely, *that he should voluntarily, and of his own accord, repair to Scindia, and quietly reside with him.* That such treacherous desertion of the said Ragoba is not capable of being justified by any plea of necessity; but that in fact no such necessity existed; since it appears that the Nizam, who, of all the contracting parties in the confederacy, was personally most hostile to Ragoba, did himself *propose that Ragoba might have an option given him of residing within the Company’s territories.*—That the plan of negotiating a peace with the Mahrattas, by application to Scindia, and through his mediation, was earnestly recommended to the said Hastings by the Presidency of Bombay, so early as in February, 1779, who stated clearly to him the reasons why such applications ought to be made to Scindia, in preference to any other of the Mahratta Chiefs, and why it would probably be successful; the truth and justice of which reasons were fully evinced in the issue, when the said Hastings, after incurring, by two years delay, all the losses and distresses of a calamitous war, did actually pursue that very plan with much less effect or advantage than might have been obtained at the time the advice was given. That he neglected the advice of the Presidency of Bombay, and retarded the peace, as well as made its conditions worse, from an obstinate attachment to his project of an alliance offensive and defensive with the Rajah of Berar, the object of which was rather a new war, than a termination of the war then existing against the Peshwa.

That the said Hastings did farther embarrass and retard the conclusion of a peace, by employing different Ministers at the Courts of the several confederate powers, whom he severally empowered to treat and negotiate a peace.—That these Ministers not acting in concert, not knowing the extent of each others commissions, and having no instructions to communicate their respective proceedings to each other, did in effect counteract their several negotiations.—That this want of concert and of simplicity, and the mystery and intricacy in the mode of conducting the negotiation on our part, was complained of by our Ministers as embarrassing and disconcerting to us, while it was advantageous to the adverse party, who were thereby furnished with opportunity and pretence for delay, when it suited their purpose; and enabled to play off one set of negociators against another: That it also created jealousy and distrust in the various contending parties, with whom we were treating at the same time, and to whom we were obliged to make contradictory professions, while it betrayed and exposed to them all our own eagerness and impatience for peace; raising thereby the general claims and pretensions of the enemy. That while Dalhousie Watherston, Esq. was treating at Poonah, and David Anderson, Esq. in Scindia’s Camp, with separate powers applied to the same object, the Minister at Poonah informed the said Watherston, that he had received proposals for peace from the Nabob of Arcot, with the approbation of Sir Eyre Coote; that he returned other proposals to the said Nabob of Arcot, who had assured him (the Minister) that those proposals would be acceded to, and that *Mr. Macpherson would set out for Bengal, after which orders should be immediately dispatched from the Honourable the Governor General and Council to the effect wished.* That the said Nabob “ had promised to obtain and forward to him the expected *orders from Bengal in fifteen days, and that he was therefore every instant in expectation of their arrival*; and observed that, when General Goddard proposed to send a confidential person to Poonah, he conceived that those orders must have actually reached him.” That therefore the treaty formally concluded by David Anderson, was in effect and substance the same with that offered, and in reality concluded by the Nabob of Arcot, with the exception only of a Salsette, which the Nabob of Arcot had agreed to restore to the Mahrattas. That the intention of the said Warren Hastings, in pressing for a peace with the Mahrattas, on terms so dishonourable, and



by measures so rash and ill-concerted, was not to restore and establish a general peace throughout India, but to engage the India Company in a new war against Hyder Ally, and to make the Mahrattas parties therein. That the eagerness and passion with which the said Hastings pursued this object, laid him open to the Mahrattas, who depended thereon for obtaining whatever they should demand from us.—That in order to carry the point of an offensive alliance against Hyder Ally, the said Hastings exposed the negotiation for peace with the Mahrattas to many difficulties and delays. That the Mahrattas were bound by a clear and recent engagement, which Hyder had never violated in any article, to make no peace with us which should not include him; that they pleaded the sacred nature of this obligation in answer to all our requisitions on this head, while the said Hastings, still importunate for his favourite point, suggested to them various means of reconciling a substantial breach of their engagement with a formal observance of it, and taught them how they might at once be parties in a peace with Hyder Ally, and in an offensive alliance for immediate hostility against him. That these lessons of public duplicity and artifice, and these devices of ostensible faith and real treachery, could have no effect but to degrade the national character, and to inspire the Mahrattas themselves, with whom we were in treaty, with a distrust in our sincerity and good faith.—That the object of this fraudulent policy (*viz.* the utter destruction of Hyder Ally, and a partition of his dominions) was neither wise in itself, or authorized by the orders and instructions of the Company to their servants; that it was incompatible with the treaty of peace, in which Hyder Ally was included, and contrary to the repeated and best understood injunctions of the Company; being in the first place a bargain for a new war, and in the next, aiming at an extension of our territory by conquest. That the best and soundest political opinions, on the relations of these states, have always represented our great security against the power of the Mahrattas to depend on its being balanced by that of Hyder Ally; and the Mysore country is so placed as a barrier between the Carnatic and the Mahrattas, as to make it our interest rather to strengthen and repair that barrier, than to level and destroy it. That the said treaty of partition does express itself to be *eventual* with regard to the making and keeping of peace; but through the whole course of the said Hastings's proceeding, he did endeavour to prevent any peace with the Sultan or Nabob of Mysore, Tippoo Saib, and did for a long time endeavour to frustrate all the methods which could have rendered the said treaty of conquest and partition wholly unnecessary.

That the Mahrattas having taken no effectual step to oblige Hyder Ally to make good the conditions for which they had engaged in his behalf, and the war continuing to be carried on in the Carnatic by Tippoo Sultan, son and successor of Hyder Ally, the Presidency of Fort St. George undertook, upon their own authority, to open a negotiation with the said Tippoo; which measure, though indispensably necessary, the said Hastings utterly disapproved and discountenanced, expressly denying that there was any ground or motive for entering into any direct or separate treaty with Tippoo; and not consenting to or authorizing any negotiation for such treaty, until after a cessation of hostilities had been brought about with him by the Presidency of Fort St. George, in August, 1773, and the Ministers of Tippoo had been received and treated with by that Presidency, and Commissioners, in return, actually sent by the said Presidency to the Court of Poonah; which late and reluctant consent and authority were extorted from him, the said Hastings, in consequence of the acknowledgment of his Agent at the Court of Madajee Scindia (upon whom the said Warren Hastings had depended for enforcing the clauses of the Mahratta treaty) of the precariousness of such dependence, and of the necessity of that direct and separate treaty with Tippoo, so long and so lately reprobated by the said Warren Hastings, notwithstanding the information and intreaties of the Presidency of Fort St. George, as well as the known distresses and critical situation of the Company's affairs.—That, though the said Warren Hastings did at length give instructions for negotiating and making peace with Tippoo; expressly adding, that those instructions extended to *all* the points which occurred to *him* or *them* as capable of being agitated or gained upon the occasion—though the said instructions were sent after the said Commissioners by the Presidency of Fort St. George, with directions to obey them; though not only the said instructions were obeyed, but advantages gained which did not occur to the said Warren Hastings;—though the said peace formed a contrast with the Mahratta peace, in neither ceding any territory possessed by the Company before the war, or delivering up any dependant or ally to the vengeance of his adversaries, but providing for the restoration of all the countries that had been taken from the Company and their allies;—though the Supreme Council of Calcutta, forming the legal Government of Bengal in the absence of the said Warren Hastings, ratified the said treaty: Yet the said Warren Hastings, then absent from the seat of Government, and out of the Province of Bengal, and forming no legal or integral part of the Government during such absence, did, after such ratification, usurp the power of acting as a part of such Government (as if actually sitting in Council with the other Members of the same) in the consideration and unqualified censure of the terms of the said peace. That the Nabob of Arcot, with whom the said



Hastings did keep up an unwarrantable, clandestine correspondence, without any communication with the Presidency of Madras, wrote a letter of complaint, dated the 27th of March, 1784, against the Presidency of that place, without any communication thereof to the said Presidency, the said complaint being addressed to the said Warren Hastings, the substance of which complaint was, that he (the Nabob) had not been made a party to the late treaty. And although his interest had been sufficiently provided for in the said treaty, the said Warren Hastings did sign a declaration on the 23d of May, at Lucknow, forming the basis of a new article, and making a new party to the treaty, after it had been, by all parties (the Supreme Council of Calcutta included) completed and ratified, and did transmit the said new stipulation to the Presidency at Calcutta, solely for the purposes, and at the instigation, of the Nabob of Arcot; and the said declaration was made without any previous communication with the Presidency aforesaid, and in consequence thereof orders were sent by the Council at Calcutta to the Presidency of Fort St. George, *under the severest threats in case of disobedience*; which orders, whatever were their purport, would, as an undue assumption of, and participation in, the Government from which he was absent, become a high misdemeanor; but, being to the purport of opening the said treaty, after its solemn ratification, and proposing a new clause and a new party to the same, was also an aggravation of such misdemeanor, as it tended to convey to the Indian powers an idea of the unsteadiness of the councils and determinations of the British Government, and to take away all reliance on its engagements, and as, above all, it exposed the affairs of the nation and the Company to the hazard of seeing renewed all the calamities of war, from whence, by the conclusion of the treaty, they had emerged, and upon a pretence so weak as that of proposing the Nabob of Arcot to be a party to the same—though he had not been made a party by the said Warren Hastings in the Mahratta treaty, which professed to be for the relief of the Carnatic;—though he was not a party to the former treaty with Hyder, also relative to the Carnatic; though it was not certain whether, if the treaty were once opened, and that even Tippoo should then consent to that Nabob's being a party, whether he (the said Nabob) would agree to the clauses of the same, and consequently whether the said treaty, once opened, could afterwards be concluded—an uncertainty, of which he, the said Hastings, should have learned to be aware, having already once been disappointed by the said Nabob's refusing to accede to a treaty which he the said Warren Hastings made for him with the Dutch, about a year before.

That the said Warren Hastings having broken a solemn and honourable treaty of peace, by an unjust and unprovoked war; having neglected to conclude that war, when he might have done it without loss of honour to the nation; having plotted and contrived, as far as depended on him, to engage the India Company in another war, as soon as the former should be concluded; and having at last put an end to a most unjust war against the Mahrattas by a most ignominious peace with them, in which he sacrificed objects essential to the interests, and submitted to conditions utterly incompatible with the honour, of this nation, and with his own declared sense of the dishonourable nature of those conditions; and having endeavoured to open anew the treaty concluded with Tippoo Sultan, through the means of the Presidency of Fort St. George, upon principles of justice and honour, and which established peace in India; and thereby exposing the British possessions there to the renewal of the dangers and calamities of war—has, by these several acts, been guilty of sundry high crimes and misdemeanors.

---

(No. 21.)

### Concealing his CORRESPONDENCE with the COUNTRY POWERS from the COUNCIL and the COMPANY.

**T**HAT by an Act of the 13th year of his present Majesty, intituled, “An Act for establishing certain regulations for the better management of the affairs of the East-India Company, as well in India as in Europe,” “the Governor General and Council are required and directed to pay due obedience to all such orders as they shall receive from the Court of Directors of the said United Company, and to correspond from time to time, and constantly and diligently transmit to the said Court, an exact particular of all advices or intelligence,



“ intelligence, and of all transactions and matters whatsoever that shall come to their knowledge, relating to the government, commerce, revenues, or interest of the said United Company.”

That in consequence of the above recited Act, the Court of Directors, in their General Instructions of the 29th of March, 1774, to the Governor General and Council, did direct, “ That the correspondence with the Princes or Country Powers in India, should be carried on through the Governor General only; but that all letters to be sent by him should be first approved in Council, and that he should lay before the Council, at their next meeting, all letters received by him in the course of such correspondence, for their information.”

And the Governor General and Council were therein further ordered, “ That, in transacting the business of their department, they should enter, with the utmost perspicuity and exactness, all their proceedings whatsoever; and all dissents, if such should at any time be made by any Member of their Board, together with all letters sent or received in the course of their correspondence; and that broken sets of such proceedings, to the latest period possible, be transmitted to them (the Court of Directors); a compleat set at the end of every year, and a duplicate by the next conveyance.”

That in defiance of the said orders, and in breach of the above recited Act of Parliament, the said Warren Hastings has, in sundry instances, concealed from his Council the correspondence carried on between him and the Princes or Country Powers in India, and neglected to communicate the advices and intelligence he from time to time received from the British Residents at the different Courts in India to the other Members of the Government; and without their knowledge, counsel, or participation, has dispatched orders on matters of the utmost consequence to the interests of the Company.

That moreover, the said Warren Hastings, for the purpose of covering his own improper and dangerous practices from his employers, has withheld from the Court of Directors, upon sundry occasions, copies of the proceedings had, and the correspondence carried on by him in his official capacity as Governor General, whereby the Court of Directors have been kept in ignorance of matters which it highly imported them to know, and the affairs of the Company have been exposed to much inconvenience and injury.

That in all such concealments and acts done or ordered without the consent and authority of the Supreme Council, the said Warren Hastings has been guilty of high crimes and misdemeanors.



## HOUSE OF COMMONS.

APRIL 26th.

**MAJOR SCOTT** moved for leave to bring up a petition from Warren Hastings, Esq. praying to be heard by himself against the matter of the charges now exhibited to the House against him, and also for a copy of those charges. This petition, Major Scott observed, would have been presented at an earlier period, but that the first series of the charges were not laid before the House until the 4th instant, to which succeeded a second series on the 12th; yet the whole, it was understood, were not yet completed. Under these circumstances it was impossible to have laid in an earlier claim to the privilege of reply on the part of Mr. Hastings; a privilege which he now demanded on the strongest pleas of equity. In addition to these there was another circumstance which should impel the House to a compliance—As these charges having been already printed and circulated through the country, the benignity of the House was called on not to refuse Mr. Hastings permission to reply.

The petition was then brought up, and read at the table.

Major Scott then moved, that Mr. Hastings should be heard at the Bar of the House, and that he should be allowed a copy of the charges.

Sir Grey Cooper said he had no objection to the first part of the petition; it was certainly proper that Mr. Hastings should be heard in his own defence: but it did not equally meet his ideas of propriety, that a copy should be given of charges which lay on the table as yet in a crude state, and liable to numberless variations in the different stages of this business. He then recited several precedents in support of this opinion.

Mr. Burke concurred in the propriety of hearing Mr. Hastings in his defence at whatever time and in whatever manner it was brought forward. But he could not also agree that he should be supplied with a copy of charges partly unarranged, and totally unfinished. He had himself discovered many parts which would require alteration. This, however, whilst it formed a strong objection to the present demand, had arisen solely from the necessity which had been imposed on him by the House. It had been his original intention first to have examined evidence and to have drawn his charges from the facts which should then appear. But that mode had been exactly reversed; he had been compelled to bring forward his charges prematurely, and he was now to look to that oral evidence which should have been their basis, not only to substantiate the facts alleged, but also to supply the clauses which had been occasioned by this transposition, and by the refusal of many very material documents. To obviate the consequences of such deficiency, it had been deemed necessary to lay the charges in such a manner as to comprehend whatever suppletory facts should hereafter appear from the evidence. The charges being for those reasons incomplete, he could not think that Mr. Hastings, on any principle of essential justice, was entitled to a copy of them in their present state. If the House, however, was disposed to grant a copy as a matter of favour, that was totally a matter of distinct consideration. For his part, as Mr. Hastings' reply could not be considered as his defence, and as that reply may possibly throw new lights on the question, he had no very great objection to the compliance of the House on the occasion.

Mr. Fox professed himself of a very different opinion with his Right Honourable Friend, and thought it highly improper that a copy of the charges should be granted. This was, he observed, a case in which the House should be particularly adherent to the precedents which occurred, and most observant of the regular order of their proceedings. Every principle of equity, without doubt, demanded that the person accused should be made acquainted with the nature and extent of the charges exhibited against him; but it by no means followed that these charges should be produced until they were finally and articulately arraigned. Every precedent he had heard on the occasion, militated strongly against the procedure; and until one was adduced, which gave it sanction, he should certainly persevere in his opposition to the demand.

Mr. Pitt said, that on a subject so new, it should not appear strange if few precedents could be found, and the difficulty of the research was exercised, when it was considered that the charges



charges were brought by a Member of that House against a person who was not so. This, however, he apprehended, was an immaterial difference, and as such he hoped it would be viewed by the House. If this distinction was overlooked, the case of Mr. Seymour in the year 1510 then became a precedent exactly in point. On the impeachment of that gentleman, a copy of the original charges had been granted him, to which he was likewise permitted to make a reply; and the conclusive proceedings were founded on a comparison of both. Nor was this the only precedent which occurred. In 1620 Sir John Benning was also allowed a copy of the heads of the charges against him, before evidence had been adduced to substantiate them. In these cases the charges repeating only the crime of peculation, were easily answered; but in the present instance the necessity was greater, as the charges were more voluminous and complicated.

He then adverted, in strong terms, to the importance of the charges on the table. From the situation of the persons accused, and the nature of the charges brought against them, the honour of that House was materially concerned, and would be injured by an hasty or erroneous decision; a condign punishment or a signal and unequivocal deliverance was indispensably necessary.

What defence or what exculpation Mr. Hastings may be able to adduce, he knew not; but as he hoped and trusted that he would be able to clear himself from the guilt imputed to him, he was consequently desirous of giving him the earliest opportunity. On the subject of the charges on the table he thought it necessary to remark, that they were in many parts overloaded with extraneous matter; in others filled with circumstances totally irrelevant; that they were frequently obscure, and sometimes unintelligible. However therefore he wished for a speedy and serious investigation; he thought it previously necessary that these charges should be disencumbered and explained.

Mr. Fox declared himself ready to abide by the precedents which the Right Honourable Gentleman had quoted, if on being read they appeared to be really in point. He animadverted on the assertion that the charges contained much of irrelevant and extraneous matter. This he totally denied. That they were copious and diffuse he would readily allow, but could not admit that they were burthened by any extension which was not justified by the circumstances of the case, and the necessity of supplying the fullest information on the subject. He concluded with desiring that the precedents might be read.

A long conversation then took place on the relation which those precedents bore to the case now pending.

Mr. Burke, in the course of his remarks, took occasion to vindicate the charges he had made, and the manner in which they were given to the House.

Mr. Fox, Mr. Pitt, and several others spoke, after which Major Scott's motion was carried without a division.

Mr. Burke then reminded the House, that the present was the day appointed for going into a Committee, and hearing evidence on this business. He had to lament, he said, that from the decayed constitutions which gentlemen in general brought from the East-Indies, he was, for the present, deprived of the assistance of some very material evidence. He read a letter from Colonel Gardiner, apologizing for non-attendance, on account of indisposition, and inclosing a certificate from his physician to that purpose. He said, that on this account he should be compelled to change the order of the witnesses who were to be examined; that those who were most infirm should be first attended to: amongst them, he said, was Sir William Barker, who now attended as an evidence. He therefore wished that the House would immediately resolve itself into a Committee, and for that purpose moved, that the Speaker do now leave the chair.

The Master of the Rolls (Sir Lloyd Kenyon) contended, that as the House had consented to hear Mr. Hastings on the subject of the charges now before them, it would be unfair to make any addition to those charges, or to call in any suppletory evidence until Mr. Hastings should first have been heard.

Mr. Burke replied, that as no limited time had been assigned, in which the person accused was to make his reply, it would be in the power of Mr. Hastings to give in his answer also to whatever additions may be made by the parole evidence to the charges already before them. It would, in his opinion, be even more advantageous to the party accused, as the more complete the charges were made, the less addition would be necessary to his defence.



This difference of opinion produced a long and desultory conversation. The speakers on the part of Administration, and against the calling in of evidence, were, Mr. Pitt, Mr. Dundas, the Attorney General, Mr. Wilberforce, and Mr. Bencecroft; on the part of Opposition, Mr. Fox, Mr. Burke, Mr. Sheridan, Mr. Anstruther, and Mr. Hardinge.

A division ensued on the question for the Speaker's leaving the chair, in which the numbers were,

Ayes,	—	80
Noes,	—	139
Majority against the Motion,	—	59

On the return of the Members from the division, the Speaker started a doubt whether in point of order Mr. Hastings should be heard before the Committee of the whole House, to which the papers had been referred, or before the House, who had given him the permission to speak.

It was, after some time, determined that Mr. Hastings should be heard at the Bar of the House on Monday next, and that the evidences should be examined on Tuesday.

Adjourned.

#### APRIL 27th.

Mr. BURKE delivered in two additional charges against Mr. Hastings, declaring at the same time that he should present a third before the House rose, and that then there would remain but two more, which would be ready in a day or two.

Major Scott said, he had a Petition in his hand to present from Mr. Hastings, praying to be heard against the matter in the Charges that had been presented by Mr. Burke in his place on the 4th and 12th of April. The Major assured the House that Mr. Hastings had no wish to delay the proceedings, but on the contrary every possible wish to urge them forward with as much dispatch as the nature of the case would admit. The Major stated the contents of the Petition, and moved that it be brought up, and read. It was as follows:

To the Honourable the Commons of Great Britain in Parliament assembled,

The humble Petition of WARREN HASTINGS, late Governor General of Bengal,

Sheweth,

“ THAT your Petitioner observes by the Votes of the 4th and 12th days of April instant, that Mr. Burke in his place charged Warren Hastings, late Governor General of Bengal, with sundry high crimes and misdemeanors, and presented to the House several articles of charge of high crimes and misdemeanors against the said Warren Hastings.

“ Your Petitioner therefore humbly prays that he may be heard in his defence to the several articles, and that he may be allowed a copy of the same.

“ And your petitioner, as in duty bound,

“ Shall ever pray,

“ W A R R E N H A S T I N G S.”

Mr. Burke said he had no objection, provided its contents could be complied with conformably to precedent. It being ordered to be brought up, it was delivered by Major Scott, and read from the Chair. It was then moved “ that Mr. Hastings be permitted to be heard, and that copies of the Charges be granted him.”

Sir



Sir Grey Cooper rose, not, he said, to object to the first part of the motion, but to state such precedents as he had found upon the Journals, as to the proceeding in cases of that kind. Sir Grey then read a few precedents, from the nearest of which to the present proceedings, it appeared that parties accused had been indulged with a hearing, but that copies of the Charges had not been granted. Sir Grey added a word or two on these precedents, and contended, that it would be impossible to comply with the latter part of the motion.

Mr. Burke thanked Sir Grey for the precedents he had given himself the trouble to look for, and coincided with him in the opinion, that copies of the Charges could not be granted; or if they were, that they would prove of no use to Mr. Hastings, to whom he declared he wished every degree of reasonable indulgence to be shewn. Mr. Burke said, it was well known that it had originally been his intention to have called his evidence first, and then proceeded gradually to let the charge grow out of the evidence; but the House in its wisdom had thought proper to vote a different mode of proceeding, and to direct, that the charges should be first made, and then that he should proceed to substantiate them by evidence. Hence he had been reduced to the necessity of altering his plan, and of making his charges as comprehensive as possible, taking in and stating every thing that private information could furnish him with. But it had since appeared, that in several of the charges there was superfluous matter, which called for correction, and to omit which, he should himself move in the subsequent stages of the business. Mr. Burke mentioned, in illustration of this, that he had in one charge accused Mr. Hastings with not having called in and cancelled his Bengal Bills, whereas the fact was, as appeared by papers laid on the table since, that the bills were, as he conjectured they would be, all cancelled and discharged. This, therefore, was to be set to rights, and a variety of other things. He desired the House to recollect that they were proceeding as accusers, and that Mr. Hastings could only make a defence with success, where there existed a power of acquittal.—If he were to make a defence there, nothing could be more evident than that he ought to have the benefit of Counsel, and of calling witnesses to examine to facts. As he had only prayed to be heard himself, the case was otherwise. Mr. Burke reasoned upon the precedents that had been cited by Sir Grey, and shewed that there was some analogy between one of them and the proceeding then pending.—He concluded with expressing it as his opinion, that the first part of the motion might be complied with, but that the second could not.

Mr. Fox supported Mr. Burke, and stated that the charges before the House were not articulated charges, but merely general collections of accusatory facts, out of which the real charges were to be extracted, and every body knew, that even after the House had decided upon those real charges, articles short, specifick, and pointed were to be drawn and sent up to the House of Lords, as the grounds of impeachment. Mr. Fox reasoned upon this for some time, and declared, that unless a precedent could be adduced, to prove that under such peculiar circumstances, copies of charges had been granted by that House to a party accused, he should be of opinion that the House could not grant charges, that were loosely drawn, and which the Committee, to whom they were to be referred, would necessarily alter materially. He concluded with saying, he saw there was something like a search after precedents going forward, he therefore hoped either a precedent would be cited, or the House would not suffer the copies in question to be granted.

The Chancellor of the Exchequer produced two precedents from the journals, and contended that the argument of the Right Honourable Gentleman applied in a directly opposite way to that in which he had used it. If when a charge had been formed in a dry, terse, and close manner, it was necessary to give a copy of it to the culprit, much more was it so when it was dilated to such length as those before the House, when it was so diffuse, so detailed, and so full of extraneous matter. The charges he was willing to admit contained great criminal matter, and such as it was highly incumbent on the House to investigate and bring to a most strict enquiry; but still they were so filled with aggravation and unconnected details, they were so confused and complicated, so irrelevant, and in many places so unintelligible, that he thought it absolutely impossible for the House at large to be able to separate accurately and distinctly those parts then that were worthy of attention, from such as were entirely foreign from the main design. As it was by all admitted that Mr. Hastings ought to be heard, it must also follow that he ought to have a copy of the charges delivered in against him, for it was only from those charges that he could be able to judge what would be proper for him to say to the House. From them alone he could judge what parts it would be proper for him to admit, what to deny, and what to justify. Nay, whether he might not demur to the whole. When he said that there was much criminal matter contained in the charges, he did not mean to insinuate that he had formed any opinion, whether such criminal charges were well founded or not, he should be inclined to hope at least that they would appear otherwise; there being very serious charges made, the House were bound to look into them with every possible degree of circumspection and acuteness, but that not more in favour of the charge than of the person accused. He offered several precedents to shew that it had  
been



been always the uniform practice of the House to afford a copy of the charges to the party previous to the going into the evidence to substantiate such charges, and gave it as his opinion, that though the present charge differed from all former ones, inasmuch as they were more diffuse and general and filled with more foreign matter than any that had ever before been offered; for that reason contrary to the arguments of the Gentlemen on the other side, it was the more necessary to allow a copy. He should therefore heartily agree to the motion.

Mr. Burke began a most ingenious and able speech, with declaring, that he pretended not to have been capable of producing charges of such magnitude, importance, and variety of matter in a state of perfect correctness; men of much greater abilities than he pretended to, could not have done it; in this, as in many other cases, *materiam non superabit opus*, the plate was often better than the fashion, and thus he presented the House with his rough ingots, and left it for them to polish them and put them into shape and form. The Honourable Gentleman, however, had made an admission and an objection. He had confessed (he meant not upon compulsion but voluntarily, and for which he thanked him) that the charges he had brought forward contained much matter of great and serious criminality, that the honour of the House, and the character of the nation, were deeply interested in the issue of the business, and that it became their indispensable duty to take care that substantial justice was done, and if the guilt imputed was fully made out, that the party accused should be brought to condign punishment. This was a fair and just confession on the part of the Right Honourable Gentleman, and he was happy to find, that confused, complicated, irrelevant, and almost unintelligible, as the Right Honourable Gentleman had declared the charges to be in many parts, he had nevertheless understood them sufficiently to find out that they contained much matter of heinous criminal offence. The objection that had accompanied this admission was what he would next speak to. Mr. Burke then proceeded to state the utter impossibility for him, denied as he had been his own mode of proceeding by adducing evidence first, and then making the charges arise as it were out of the evidence, to have drawn his charges in a shorter compass, without actually rendering them ten times more liable to the objection of their being confused and unintelligible. He entered into a disquisition on the difference between crimes of a specific and ascertained nature, such as were defined and known sufficiently by their name alone, and such as were not, instancing high treason and felony, and opposing them to high crimes and misdemeanors. Under the classes of high treason and felony, certain specific and known offences were arranged; but misdemeanors comprehended a general class of offences incapable of precise definition, and depending altogether on circumstantial and detailed description. Hence all misdemeanors were difficult to be made out in charge, and impossible to be so stated as to be rendered intelligible, but by amplified description. In the case under consideration, he had three things to make out; first, that the transactions to be made matter of charge, were *misdemeanors*; next, by circumstances of aggravation, that they were *high crimes and misdemeanors*; and lastly, that they were *Indian misdemeanors*. An infinite variety of detail was of consequence indispensably necessary. To prove the mischiefs done in Benares, it was necessary to prove that Benares had been a most fertile province, and that it was a popular province, and that it was no longer either populous or fertile. So with respect to the royal family at Oude, it was necessary to prove their rank, and to prove what a disgrace exposing women naked in the market-place was. [A loud laugh.] The very impression the fact made on the House, Mr. Burke said, proved the truth of his argument. To talk of exposing women of rank to the sight of the soldiery, was matter of laughter with us Europeans, and in that House. In India it was the deepest disgrace, a disgrace, to escape from which, hundreds had devoted themselves victims to the pile, and lifted their willing hands to put a period to their existence, rather than stand the chance of incurring it. All this was necessary to be described in argument to render it intelligible to the major part of that House, who notoriously had paid no great attention to Indian affairs. Having fully explained that it was impossible to avoid large and circumstantial detail in his charges, however small a compass the issuable points they contained might be capable of being reduced to, Mr. Burke said, whatever alteration they might appear to require, the Right Honourable Gentleman had taught him that he ought not to be ashamed of their standing in need of amendment. He instanced, in proof of this observation, the Irish Propositions, which had been altered *in toto* in that House, after the Right Honourable Gentleman had introduced them, and a variety of bills that had been introduced by the Right Honourable Gentleman, that had been equally altered. After an infinity of arguments most ingeniously urged, as well to prove that no more detail had been gone into than was necessary, as to shew that the defects of the charges, if they were defects, were not unexampled. Mr. Burke concluded his speech, with some pointed remarks on the general treatment the subject had experienced from the other side of the House, in its progress hitherto.

Mr. Fox, in a speech of considerable warmth, animadverted on what had fallen from Mr. Pitt; declaring it could only be from want of leisure that the Right Honourable Gentleman had not been able to understand the Charges laid upon the table, by his Right Honourable Friend. He believed no other man in that House, who had looked into them ever so slightly, would



would rise and say, he did not understand them. Those without doors, as well as those within, who had read them, would not deny that they were perfectly intelligible, however various the matters they contained, and however explanatory, and explanatory they necessarily must be. With regard to their not being relevant, he said, he expected it would not be denied him, that the charges in their present cast and form, contained much matter of criminal offence. That was all that was necessary, because it was sufficient for the Committee, to whom they were referred, to report that; and then it became the duty of the House to draw out the criminal parts and shape them into articles that were fit grounds of impeachment to be presented to the House of Lords. Whatever alteration might appear necessary, that was a matter of subsequent consideration. He described the difficulties his Right Honourable Friend had experienced in his progress to that stage of the business, and said, no man with less abilities than those of his Right Honourable Friend could have surmounted them. As soon as he had brought the business forward in one shape, it was stated by the other side of the House that the form of proceeding was wrong, and that another form must be adopted. His Right Honourable Friend thereupon accommodated himself to the new mode, and followed it. The next time the business came on, the other side changed it again, and again his Right Honourable Friend adopted it. Still new modes were proposed, new delays invented, new artifices played off to retard, impede, and embarrass. But the House and the public must see through the whole. The Right Honourable Gentleman opposite to him had admitted that the charges bore on their face, and in their body, much matter of heinous criminal offence, but he chose to complain of confusion and irrelevancy, and had gone the length of stating that they were in some parts utterly unintelligible. Why were these complaints urged? Because the guilt imputed was clearly understood! because it was felt! because its impression could not be concealed! In spite of every objection conjured up for the sake of disguising the real effect of the charges, the criminal matter stood prominent, and could not be denied. Some people, he said, pretended *not* to understand the charges, because they understood them *too well*! They pretended to see no guilt in them, because they saw too much! Mr. Fox pursued his speech for some time in this animated strain, and at length said, he had no objection to hearing Mr. Hastings, but he saw no good that could result to him from granting him a copy of the charges, and he warned the other side of the House for their own sakes, to be cautious how they proceeded.

The Chancellor of the Exchequer replied with equal heat and irritability—he said, that he should not take up much of the time of the House to argue a subject on which all parties seemed nearly agreed. And he was extremely unwilling to protract a debate, which, from the temper with which it was carried on by the Right Honourable Gentlemen opposite to him did not augur well of the moderation and candour that was to characterise their future proceedings. He hoped, however, when the business of criminal prosecution should be completely before the House, that those gentlemen would endeavour to shew less warmth and violence than their present language indicated. He should be extremely sorry, if, on the question for the impeachment, gentlemen were to shew themselves actuated by the spirit that seemed to warm them on the present day—at least he hoped, that when the Right Honourable Gentleman, who had spoken last, should offer any grounds of charge to the House against the person accused, he would do it in a different manner from that which he had adopted in suggesting those insinuations against himself, which they had just been witnesses of. He desired to inform the Right Honourable Gentleman, that however passion or other motives might govern him and his friends—yet those against whom he had ventured to utter his unfounded and unwarrantable calumnies, had no object in view but public justice. “Some people, the Right Honourable Gentleman had said, pretended *not* to understand the charges, because they understood them *too well*—they pretended to see *no* guilt in them, because they saw *too much*!” He wished that the Right Honourable Gentleman would aim at a little more of that merit, which he was so ready to give the charges of his Right Honourable Friend credit for. He should be happy to find, that whenever he attempted to make any insinuation against him, he would enter more into detail, and be more explicit and explanatory. The Right Honourable Gentleman had presumed to insinuate, that because he endeavoured to confine the proceedings of the House within the limits of propriety, of justice, and of precedent—that because he gave his opinion what was the most regular way of coming at that which alone ought to be the object of the House,—the detection of guilt, or the proof of innocence—he was therefore attempting to screen a delinquent from punishment. He desired the Right Honourable Gentleman to be more guarded in his language, or if he had any such charge to make, to do it openly and fairly, and not in the covert manner which he had thought proper to pursue. For his own part, he was willing to make a solemn profession to the House—but professions had lost their credit (here he cast a pointed and sarcastic look at Mr. Fox and Mr. Burke, who sat on each side of Lord North) and had been too often abused in that House, even on subjects exactly parallel to that before them—the bringing to justice state delinquents. Still it was all that was for the present in his power to do—He should solemnly profess that he had no other object in view in the enquiry then depending, except the clear elucidation of the question, that so the guilt or innocence of the



accused might appear—he should give his whole attention to the proceedings with such a hope as he imagined every man would feel; viz. that the party might be able to establish his innocence; but at the same time with a determination, that if he should be found guilty of the charges brought against him, he should receive condign punishment. It had also been insinuated, that he and his friends had endeavoured to affix a stigma on those who brought forward the charge, as if they were more influenced by motives of private animosity than of public justice. He had no such suspicion—he could not believe that there was a man within the walls of that House whose heart was so callous as to make use of a judicial proceeding as a vehicle of revenge and malice—But the House was already too well acquainted with the general conduct of the Right Honourable Gentleman to suffer any thing from him, however rude, boisterous, and indecent his language, to make an impression upon them, to the prejudice of any of their Members. He then went into the question more particularly, explaining his former arguments, and pointing out the manifest injustice of continuing, even for a moment, to entertain a criminal charge, or taking any step towards substantiating it, without giving to the person accused every notice, and every opportunity of providing for his defence.

Mr. Burke rose again, and declared he had listened with great attention to the Right Honourable Gentleman's invective against insinuation, and to his insinuation against invective. The Right Honourable Gentleman's very *temperate* declamation against passion, reminded him of two famous lines of Dr. Arbuthnot:

There roared the Prophet of the Northern nation,  
Scorch'd by a flaming speech on moderation.

So the Right Honourable Gentleman's example of temper was to be described. Mr. Burke proceeded to shew that the Right Honourable Gentleman had been himself the warmest and most passionate speaker in the debate, in illustration of which he made use of a variety of humorous allusions, and adduced fresh arguments to prove that his charges deserved not the objections that the Right Honourable Gentleman made against them. Before gentlemen took upon themselves to find fault, he wished they would be so good as to try their hands at the drawing out a criminal charge upon an Indian subject themselves. When they had experienced the difficulty, they would be competent to turn critics upon the execution of the same subject.

The Attorney General said, if he had but just entered the House, he could not possibly have conceived that the real subject of the debate had been a motion for hearing Mr. Hastings, and for granting him a copy of the charges that had been presented to the House against him. He begged therefore that the question might be considered upon its true grounds, and no extraneous matter adverted to. Mr. Attorney General then entered into argument to support it, and referred to the forms of proceeding upon informations in the courts in Westminster Hall in cases nearly analogous.—He also instanced some precedents from the Journals, and reasoned upon them to prove, that the requisition contained in the motion was perfectly reasonable.

Mr. Martin said, he had not yet made up his mind to the subject, but he hoped substantial justice would be done, and declared, he thought the Right Honourable Gentleman had a right to expect the support of the House in a matter of such important national concern. When the present prosecution was disposed of, there remained one for the Right Honourable Gentleman to proceed in, that he thought highly necessary to be undertaken in justice to the country. He alluded, he said, to the noble Lord in the blue ribband, who had repeatedly challenged enquiry, and declared he was prepared to meet it. He had long been of opinion that the enquiry ought to have been proceeded in, but such was the state of parties at present, and such had been their state for some time past, that the noble Lord well knew he might bid the country do that, which the dignity of the House, and his respect for them, forbade him to mention within those walls.

Lord North rose once more to do what the Honourable Gentleman had alluded to, viz. to challenge enquiry, and to desire, that unless a full investigation of his conduct was regularly instituted, allusions to it might not, day after day, be made in gross and vulgar terms, equally unworthy of the House to hear, and highly unbecoming the persons, who made them, to throw out. Such allusions were obviously made for no other purpose but to create personal vexation, and provoke personal retort, each of which was a matter surely too mean and trivial to engage the attention of the House when questions of a great, serious, and important concern were under consideration, with which such allusions had not the smallest concern whatever. His Lordship denied that the state of parties protected him, or afforded him the least shelter from prosecution, if any could be maintained. He appealed to the sense of all who heard him whether the majority of that House, the powers in being, or any of the great authorities of the

times,



times, could be considered as so partial to him, as to be likely to shield him from impeachment, if impeachment he deserved?

Mr. Burke, in a vein of genuine humour, set the House in a roar, by expressing a wish, that the bird who always sang one and the same tune, would take it in a gentler key. The cuckoo's note, he said, was uniform, but it was melodious and gentle: now, though the bird in question could only sing one note, and that like the cuckoo's, ungracious to the married coalition ear, perhaps the House would thank him for correcting the harshness of his thrilling, and for giving his constant and unvaried song in a sweeter and a milder tune. It was true, the cuckoo of that House could not soar as sublimely as the lark, nor sing so sweetly as the nightingale, and therefore it became him to sing more gently. In reply to the Honourable Gentleman's recommendation of a prosecution of the noble Lord in the blue ribband, Mr. Burke said, whatever he might once have thought of his conduct, he should not now be prompt to urge an impeachment of one, whom he had the happiness to rank among the number of his friends; besides when he looked over against him, and saw the Right Honourable Gentleman, who had put a stop to all retrospective prosecution some years since, he dared not attempt it; more especially when he beheld the two powerful supports, who sat on each side of him—[Mr. Jenkinson and Mr. Dundas]—The influence of three such formidable opponents was sufficient to awe him into silence. From this Mr. Burke proceeded to a more serious defence of Lord North. He said, he once thought the system that noble Lord was pursuing, dangerous to the Constitution, and extremely censurable. He had therefore at the time drawn up seven distinct articles of impeachment, but he did assure the Honourable Gentleman, that only one of the seven went at all to affect the noble Lord: when however, he saw the system abandoned, and the noble Lord ready to depart from that in support of which the first characters in the Senate, the Law, and the Church had united, he was willing to forget what was past, and to do that honour to his distinguished talents and virtues that they well deserved. The Marquis of Rockingham had indeed advised him to abandon the idea of impeachment, and had taken the papers; and he had since endeavoured to find them, but in vain. Mr. Burke said, no man was more ready to forgive a political adversary than he was, and to shake hands when the cause of contest was at an end. He had, in his twenty years parliamentary existence, made several coalitions, and if God should lengthen an old life, he should, in all probability, make several more. In his connection with his Right Honourable Friend, they had always acted upon one set of principles, and never coalesced but where those whom they joined could act with them. The noble Lord in the blue ribband had more sacrifices to make than they had, when the coalition was formed; the noble Lord and his friends had acted most honourably, and he was proud to make that public acknowledgment of it. Mr. Burke panegyricized his friend Mr. Fox, and appealed to Mr. Martin's good nature, whether his treatment of the noble Lord was candid or generous?

Mr. Martin in apology admitted, that it was unfair to twit the noble Lord unnecessarily, all he had meant had been to intimate his wonder that the country had lost so much the last war, and that no enquiry has yet been made into those losses.

The question was at length put and carried.

Mr. Burke then presented another charge, and after moving that it be referred to the Committee of the whole House, to whom the former charges were referred, moved, "that the Speaker leave the chair."

The Master of the Rolls objected to the motion, on the ground that the situation of the business was completely changed in consequence of the House having that day granted Mr. Hastings leave to be heard upon the matter of the charges. Sir Lloyd contended that the House ought not to proceed any farther before Mr. Hastings had been heard.

Mr. Burke said, that unless the Right Honourable Gentleman could prove, that there ought to be a distinction made between written and parole evidence in this case, a distinction which he believed even the Right Honourable and learned Gentleman's ingenuity could not describe, his argument must fall to the ground. Mr. Burke said, it was but within the last fortnight that the House had adopted a new mode of proceeding on the recommendation of the Right Honourable and learned Gentleman, and already had the Right Honourable and learned Gentleman forgot that mode, he then recommended, and was suggesting another. Let the Right Honourable Gentleman however repeat his practice of being slow in giving his advice, and thus embarrassing the business day after day, he would not abandon his cause. He considered one arm of it as lopped off already; if he lost a leg he would still persevere, and even were he to be deprived of both arms, he would fight like Withrington on his stumps. The only reason for his being so anxious to proceed with hearing the evidence, Mr. Burke said, was because his witnesses were in general extremely ill, and wished to retire out of town. Colonel Gardener and  
several



several others had been obliged, by bad health, to leave London, and were incapable of returning. He read a letter from one of them, with the certificate of the physician who attended him, in proof that he could not come to town without endangering his life. Sir Robert Barker, the first witness he meant to call, was also he declared very ill, and wished to be dismissed; it was therefore on the account of the gentlemen, whom he had called for as witnesses, and not on his own, that he was so pressing for proceeding to hear them.

The Master of the Rolls denied the charge Mr. Burke had imputed to him. He said the House had lately done him honour to adopt his advice, but they had at the same time done themselves as much honour. On the present occasion the business had assumed a new face, by their having agreed to hear Mr. Hastings. It was that rendered a postponement of the Committee proper, and no alteration in his mind.

Lord North and Mr. Sheridan in short speeches both contended, that hearing Mr. Hastings and receiving the parole evidence by no means interfered, and that the best way would be to have the whole of the evidence before them as well as the charges, before Mr. Hastings was heard. Mr. Sheridan said, as the chief parts of the written evidence were before the House, why should they not receive the evidence ready to be examined?

The Master of the Rolls said, undoubtedly if the written evidence was before the House, the parole evidence ought to be received; but he denied the fact; no evidence whatever was before the House; a Member in his place had delivered in certain charges, but they were his charges only as yet, and not the charges of the House.

Mr. Sheridan said, the charges were received, read *pro forma*, and put upon the journals.

The Master of the Rolls said, what Mr. Hastings might have to say, might induce the House to drop the prosecution. In the Courts below the practice was common, to hear defendants *in limine*. Even indictments were quashed on proper cause being shewn.

Mr. Fox in reply denied that the proceedings of that House and the practice of any of the Courts of Law were analogous.

Mr. Jenkinson said, the House having resolved to hear Mr. Hastings, he could only be heard in one of these two ways—he must be heard either before receiving the evidence, or afterwards. He entered into argument to convince the House, that the fittest time was then, as Mr. Hastings in all probability would be able to prove that half of each charge was irrelevant and improper to call evidence to; consequently those who were anxious for shortening the proceeding, would do well to support the hearing Mr. Hastings before they heard the evidence.

Mr. Fox asked across the House, how would Mr. Hastings be able to prove half of each charge irrelevant?

Mr. Jenkinson said, by allegation and argument. [*A loud laugh from opposition.*]

Mr. Fox in a short speech said, the Right Honourable Gentleman had, he observed, used a new word in his speech, he had said, Mr. Hastings would be able to *prove* this and that and the other thing. The Right Honourable Gentleman surely could not have to learn that the House of Commons was not the place for Mr. Hastings to make his defence in, or to offer proof of his innocence, if such proof he could adduce. Mr. Fox took notice of what Mr. Pitt had said of his dealing in insinuations, declaring that it had hitherto generally been imputed to him as a fault, that he spoke too direct and open; it was however a little extraordinary to impute insinuations to him in the same speech, in which his language had been called rude, indecent, and boisterous. The fact was, what he had said was unanswerable by argument, and therefore the Right Honourable Gentleman had thought proper to oppose scurrility and invective to it. Mr. Fox reminded the House of the case quoted by Mr. Jenkinson in the debate ten days ago, and reasoned from it to prove that the Right Honourable Gentleman cited a case one day, if it made for his argument, and abandoned it the next, when from a change of circumstances it told the other way. Before he sat down, he reprobated the unfair ground taken by the defenders of Mr. Hastings, and said, the most practised advocateship could not have acted with more artifice and chicane, had it been engaged to plead for him at ever so high a premium.

Mr. Jenkinson replied, and Mr. Fox rejoined, each shortly.

Mr. Anstruther attacked Mr. Jenkinson on the singular dexterity with which he found out a precedent pat to his purpose, one day, and produced a very different one. that better suited his case,



case, another. He also turned that gentleman's assertion, that Mr. Hastings could *prove* by allegation or argument that one half of the several charges was irrelevant, into strong ridicule. Allegation surely applied to facts, and what proof of facts could Mr. Hastings give before that House? As to argument, what proof satisfactory to them could a defendant's own naked argument afford? Mr. Anstruther replied likewise to the Master of the Rolls analogical reasoning, and reminded the House of the analogical arguments used by that learned Gentleman on the subject of the scrutiny. As to quashing an indictment, of which the learned Gentleman had said so much, where was the analogy? An indictment, before it could be quashed, must at least be found. Had they found an indictment? Undoubtedly not. They were preparing articles as grounds of an impeachment, to be sent up to the House of Lords, and any thing by way of effectual appeal against such articles must go to the House of Lords, and be decided on by them and them alone. Mr. Anstruther added various other very shrewd and able arguments.

Mr. Dundas said, he would impute bad motives to no man, and he desired none might be imputed to him. After this preliminary, he shortly stated a few arguments to prove that Mr. Hastings ought to be heard before they proceeded any farther, that it would be the most effectual means of aiding dispatch, and would tend greatly to elucidate an obscure and complicated matter, of which very few in that House were able to form any clear opinion. Mr. Dundas declared he spoke from experience on the subject, and therefore he was the more confident in the advice he gave.

Mr. Nicholls said, he was indifferent as to what motives might be imputed to him for the opinion he was about to give; but he perfectly coincided with the Right Honourable the Master of the Rolls, and thought that Mr. Hastings ought to be heard before they proceeded another step in the business. Nay, he would go farther, if the first charge (that respecting the Rohilla war) was to be decided upon, he should vote against it as a ground of impeachment, because he did not think there was any impeachable matter contained in it. If Mr. Hastings was heard in the present stage of the business, or rather before they proceeded farther, he might probably save them much future trouble, by satisfying the House that there was not any impeachable matter in any one of the charges.

The Chancellor of the Exchequer was entirely of opinion with the Honourable Gentleman and his Right Honourable Friend, that it would be absurd not to allow Mr. Hastings to be heard at the Bar forthwith, but to postpone that hearing until after the evidence against him had been gone through; for, by that means, instead of giving him an opportunity of removing the prejudices that might arise from the charges going abroad and making an impression on Gentlemen's minds without being answered, which was what Mr. Hastings wanted, they would first add all possible weight to those impressions by enforcing the charges by evidence at the bar, and then leave him to attempt by his own assertion and argument to overturn what had already been substantiated by evidence. He looked upon it that the only way by which the House could be enabled to judge what method they ought to pursue, in examining the witnesses at the bar, was, by knowing the specific charges brought by the accuser, and likewise the case of the accused. The former could not be done except by selecting from the mass of historical and explanatory matter contained in the charges, as then before the House, such parts as were immediately relevant to the guilt of the culprit—this he hoped the Right Honourable Gentleman intended to do; for if there were witnesses produced at the bar to substantiate those charges in their present state, he was ready to confess, that he for his part was perfectly unable to distinguish what parts of them would be most necessary for him to examine the witnesses to, that should be brought to the bar. It might be contended that such a proceeding would occasion a delay; but he was willing to incur the censure of creating a delay, on a proceeding in which the honour of an individual was so materially concerned. It was a maxim of law—*Nulla, de vita hominis, cunctatio longa est*. The law considers no delay tedious where the life of a fellow creature is at stake; and it could not be disputed, that to a person of Mr. Hastings's rank and consideration, good name and reputation were as dear as life.—He declared that he should never consent to go into the examination of witnesses, much less to vote the impeachment, on the vague and indefinite charges that were then before the House; and he hoped the Right Honourable Gentleman would reduce them into a more palpable and intelligible form before he pressed forward to that part of the business. Upon the whole he was convinced, from the great complexity and variety of the charges in their present shape, it would be perfectly impossible, with a due regard to public justice, to bring the business to a conclusion in the present session; in which case, the best method would be, to prosecute the affair in the present session as far as propriety would warrant, and by an Act of Parliament to keep the proceedings alive until the next session, when they should be resumed, not *de novo*, but in the stage in which they had been left.



Mr. Fox rose once more, and said the Right Honourable Gentleman had fairly spoken out. If the charges were to be altered before they were to be referred to the Committee, it was right the House should understand as much. The Right Honourable Gentleman had said the charges could not go to the Committee as they were; he was ready to say in reply, they *must*—if that House meant to keep its character. The charges confessedly contained matters of heinous criminal offence in them, the facts that went to the proof of that criminal offence made out and established, ground was laid for an impeachment, and it became the duty of the House to put the articles hereafter to be drawn in proper form and shape. Mr. Fox took notice once more of what had been said by the other side of his warmth and passion, and declared, that, as to feel warm and angry when the character of the nation and the honour of that House were deeply concerned were a crime, that crime was his. All he felt, all he had said on the subject, arose from his anxiety to rescue the British name from disgrace and infamy, to retrieve it in the eyes of India, and of all the world. There might be those who could feel alive and alarmed, when the least thing was said that touched themselves or their situations, but who could sit with perfect tranquillity and calmness, when the miseries of millions were mentioned. He envied not their sensibility; he admired their apathy; but let the House recollect, how nearly their own fame stood connected with the present prosecution; let them recollect, that their conduct on this occasion would determine the opinion of surrounding nations, whether British honour—British probity—and British humanity, were but names and a mockery of their meaning, or whether we had any founded claim to those pretensions that had so long marked and distinguished us as a nation!

Mr. Wilberforce said, they all knew the great talents of the Right Honourable Gentleman who spoke last, his powerful command of words, and how easy it was for him, speaking in opposition, to exhibit a degree of warmth and passion on every occasion, so as to appear deeply interested, let the matter be of light or large moment. The present subject, he said, was certainly of the highest national importance, and deserving of the most serious attention of that House. If the charges were true, they contained enough of heavy criminal imputation to rouse and animate the feelings of every man in the House; he wondered not, therefore, that they should particularly warm the mind and excite the passion of the Right Honourable Gentleman who stood forward as the principal conductor of the prosecution, because that Right Honourable Gentleman had long studied the affairs of India; indeed, long before that House, generally speaking, knew any thing about them; and as he had, as it were, been *brooding* over them for years, it was natural for him to feel more poignantly respecting them, and to see the enormity, that appeared to him to have been their characteristic, in a more magnified point of view than any other person. Of that Right Honourable Gentleman's head and heart, of his humanity and abilities, his rectitude and his perseverance, no man entertained a higher opinion than he did; but though the Right Honourable Gentleman's impetuosity and warmth were in some degree laudable and fully justifiable, still the same reasons and the same excuse would not apply to the passion and warmth of the other Right Honourable Gentleman on the opposite side of the way. His passion might perhaps pass upon the public for nothing more than a portion of that ordinary and common passion assumed and exhibited by him on every common subject of parliamentary debate; he wished therefore, for the sake of national justice, and for the sake of the character and the honour of that House, that the Right Honourable Gentleman to whom he alluded, would so far restrain his feelings as to appear to conduct himself on so serious and important an occasion, with the temper and moderation it so well deserved; and not make use of that, as well as every other occasion, to throw out insinuations in prejudice of his Right Honourable Friend, and to bring charges against him, neither of which he was persuaded the House thought he merited. If, however, it should appear in the end that his Right Honourable Friend and the Right Honourable Gentleman came nearer in opinion upon the present subject, than the latter might perhaps conceive likely to be the case, he had no doubt but the Right Honourable Gentleman (Mr. Fox) would feel some degree of disappointment, and exhibit more warmth and passion than he had even yet done.—Mr. Wilberforce here complained of the misrepresentation that had been repeatedly given of Mr. Pitt's argument, and said, it was in order to rescue what he had before said, that his Right Honourable Friend had risen to explain himself, and to state that he had not declared that there was no matter of impeachable accusation on the face of the several charges, but that they contained a great deal of such matter, mixed at the same time with other matter that was irrelevant, and improper to adduce evidence to support. This opinion, Mr. Wilberforce maintained to be his own, and said, that in charges, which the Right Honourable Gentleman who drew them had confessed to be full of explanatory and historical matter, there necessarily must be much of superfluous and redundant passages, that had no immediate connexion with what had been termed the issuable points. Before, therefore, evidence was adduced to support the charges, he and many gentlemen must desire the superfluous parts to be omitted, the facts to be drawn closer together, and the whole to be concentrated. Mr. Wilberforce, before he sat down, expressed an anxious hope and confident trust, that Mr. Pitt would persevere in the steady path he had hitherto pursued, that he would  
not



not be provoked by the intemperate attacks of Gentlemen on the other side of the House, from doing that which was most likely to serve the purposes of substantial justice, and that his public conduct would continue to be such as should justify the large share he enjoyed of the public favour and opinion.

Mr. Burke replied, and with some pleasantry took notice of what Mr. Wilberforce had said in excuse for his warmth and passion on the present occasion. The Honourable Gentleman, he admitted, had used a proper word—he had been *brooding* over the affairs of India, and the charges on the table were the eggs that had been produced. His wish was to nourish those eggs, and bring them to maturity with a truly parental and prolific warmth, and not suffer them to become addled by quitting the nest like an ostrich, and letting them grow cold in consequence of the delay that now was suggested by those who appeared to him to be artfully desirous of destroying his eggs, defeating the birth of his progeny, and demolishing his whole brood. The conduct he was pursuing was common to all animals, to the highest as well as the lowest, to the creature man, the first work of God and nature! It was his aim, in the labour they were witnessing, to bring forth justice, and he hoped, with the aid of the obstetrical hand of that House, to complete the birth, with perfect safety and security. After an exordium of this tendency, Mr. Burke said, what he had heard that day led him to fear that it was intended to quash the prosecution, for it was evident from the language of a Right Honourable Gentleman, who had been supposed to have been the sinister adviser of his Majesty, though he was far from saying that he was so, or that he had ever given other than good advice, that one half of his charges were gone already. They were struck with the dead palsy, as it were, and were to live no longer. In the course of the debate, three ways, he said, had been suggested, by each of which his charges were to suffer. First a demurrer as to the form and shape of them had been stated by a Right Honourable Gentleman high in office, who had declared they should not be tried in his Court, unless the form of them were altered. And next they were to be defeated by the allegation and ratiocination of Mr. Hastings. He descanted on these different modes of lessening their effect, and said, it was a little extraordinary to complain of any part of his charges as irrelevant and superfluous, before it was known whether he should not produce evidence to support those parts, and prove them to be essentially relevant; and as to its being expected that he should take and alter his charges by changing their form, surely it was altogether a task improper to expect him to perform. What, was it to be thought that he should sit in judgment on his own acts, and mutilate their form? The Honourable Gentleman had said they contained much matter explanatory, and much of matter historical; he did not know that they contained a superfluous word; and as to historical matter, my Lord Coke said, that history was evidence, and so it undoubtedly was. The Courts in Westminster-hall admitted it to be so, and every man of sound sense must see, that in the nature of things it could not be otherwise. As to the idea of not proceeding further till Mr. Hastings was heard, he verily believed that alone would prove fatal to his charges; let the House therefore be cautious how they proceeded; they stood committed upon the occasion, and as his Right Honourable Friend had well said, the honour and justice of the nation were in their hands, and depended on their present conduct. As to the failure of the charges altogether, by their own merits, it was impossible. They contained matter of original charge, that nothing could overthrow or defeat. If the House therefore chose to crush their proceeding, the disgrace would be theirs, and not his. He had done his duty, and disabled as he might be, he should persevere; and while a single spark remained, he would blow up the embers, and preserve that single spark alive.

Mr. Burke explained his proposed mode of proceeding, by saying, he should bring forward his charge concerning the Rohilla war first of any; and in doing so, he should first prove that such a people as the Rohillas had existed; that they had been a flourishing and an orderly people, and that they were extirpated through the means of Warren Hastings.—He added a great variety of other remarks and observations, interspersed with a profusion of metaphorical imagery, and figurative expression, all tending to impress the House with a due sense of the importance of the subject, and the necessity of their pursuing it, so as to appear in the eyes of the world to be in earnest.

Mr. Bencroft said, he certainly should not give way to passion. It ill became him, or the occasion, although the Right Honourable Gentleman had done so, and had thought proper to compare himself to an old hen brooding over her eggs and ready to flutter, and pecked at every person that came near her nest. A simile which he should never have thought of alluding to, had not the Right Honourable Gentleman himself introduced it. Mr. Bencroft observed, that the present proceedings bore no analogy to the proceedings of the Courts below, or of Grand Juries! In finding bills of indictments, the latter rested solely on *ex parte* evidence; that was not the case there; the House was bound to act with the greatest possible degree of temper and coolness, as they were at that time employed in the exercise of that peculiar function that intitled them to be considered as the Grand Inquest of the nation! In the progress of a  
prosecution



prosecution of the most serious importance, certain charges had been laid before them by a Member in his place, and they had that day received a petition from the accused, desiring to be heard upon the matter in those charges; why the request was made, lay wholly with the discretion of the accused, but as the House had thought it right to grant the prayer of the petition, the same reasons that had induced them to grant it, must operate to induce them to hear the accused before they proceeded one step farther in the business. He begged that this argument might be examined, when it would be found to be unanswerable. Having put this strongly, Mr. Bearcroft proceeded to shew, that what Mr. Hastings might think proper to suggest, might convince the understandings of the House, that the form of their charges was irregular, as well as many parts of them were irrelevant. Mr. Hastings might say, "these facts are true, but my situation was a very uncommon one, and though these facts would have been highly criminal in any other person, they were not so in me." Again he might say, "before you proceed to deduce criminal conclusions against me, examine the whole of my conduct, and strike an equal and a fair balance, and see if the good I have done the kingdom upon the whole, does not out-weigh the demerits imputed to me in such and such particular points." He stated other arguments of an extenuating nature that Mr. Hastings might urge, and others again that would most probably operate on the minds of the House, and induce them to forego the rigour of the prosecution, and treat the object of it with greater lenity. All of these, however, he declared he merely guessed at, as what might be resorted to; whether they would or not, he could not say, being a perfect stranger to Mr. Hastings.

Mr. Hardinge rose in a few simple words to state the ideas that had impressed his mind upon listening to the whole of the debate, and to shew why he differed completely with his learned friend who spoke last, for whom he entertained the highest respect. He would not, any more than his learned friend, make any professions; the Right Honourable Gentleman below him knew the sentiments he felt respecting him, and respecting his conduct, and he appealed to the uniform tenor of his actions, as the best proof of his sincerity, when he lamented that he was so unfortunate as to think oppositely from him on the present occasion. With regard to the charges being too diffuse, they certainly were so; indeed it was the nature of the Right Hon. Gentleman in every thing he said, and every thing that came from his pen, to amplify somewhat too much, but then it was impossible not to see and to admire the wonderful powers of his genius, the richness of his fancy, the fertility of his imagination, the brilliancy and elegance of his expressions, and the strength of his mind. He could not therefore bring himself to talk of the diffuseness of the charges as a fault, nor did it appear to him reconcileable to common sense, to deny that amplified as the charges were, they contained matter of the highest criminality; every part of them was so intelligible, that he could not say he did not understand them; he certainly did, and he thought the whole House might do so likewise. With respect to the argument just used, that if charges of such deep and serious importance could in any degree be proved, that nevertheless they might be balanced by what was in the true technical legal phrase termed a *set-off*,—to that he never would consent. No *set-off* ought, in his mind, to be admitted in cases of a criminal nature, and where actual and heinous specific delinquency had been or could be proved. He remembered a proceeding of a similar sort in that House, many years ago, when he had been so young as to be a listener in the gallery, in which that sort of balance had been pleaded successfully, but greatly in his opinion to the disgrace of the House. The case he alluded to was, he said, that in which a man of high rank and character at the time, and who, though since dead, still held a great name in the world, had been the object, and where the facts, and facts of an enormous tendency had been proved, but an Honourable General and a noble Lord had yet an account to settle for having admitted the whole to be done away by a *set-off*, from which circumstance he dated all that had happened since, injurious to the national character in India. If, therefore, Mr. Hastings was to plead a *set-off*, he would refuse him the advantage of any such plea. Much less would he consent that Mr. Hastings had any right to demur, or that any thing he could say, ought to effect a change in the form of their proceedings, or admit that he could advance any thing that could enlighten the understandings of the House, or enable them to proceed with greater competency. Mr. Hastings, that House had consented to hear, and they had done right undoubtedly; his being heard was to be considered as a *pretium affectionis*. He had desired to be heard, and it was very natural that he should do so for one purpose, to which purpose alone he would for one consent that he should be heard, viz. to lessen or remove any prejudices that the charges, drawn as they were, might be supposed to have had in the minds either of that House or the public. Mr. Hardinge added, that in a proceeding of such a nature, it was not to be supposed that the House would suffer itself to be prejudiced. He said, he would give Mr. Hastings the benefit of the speech which his learned friend had with so much ingenuity made for him; let him have the advantage of every argument suggested for him, still it did not in his mind prove, that they ought not to proceed regularly onward as they had proposed, he therefore declared he should vote for the Speaker's leaving the chair, and hearing the parole evidence,

not



not conceiving, that there could be any absurdity in receiving that evidence as this day and to-morrow, and hearing Mr. Hastings on Monday, and then again resuming the receipt of parole evidence.

The Attorney General urged the inutility of arguing against hearing Mr. Hastings, after the House had determined to hear him. Mr. Attorney made a short speech only, in the course of which he adduced some fresh reasoning in support of the motion that the Speaker should not leave the chair.

The gallery was then cleared and the House divided.

Ayes, for the original Motion,	80
Noes,	139

Tellers, Mr. Anstruther and Mr. Francis for the Ayes, Lord Mornington and Mr. Rose for the Noes.

Mr. Fox then desired, that it might be rightly understood, whether, as two objections had been stated in the course of the debate, it was intended that both should be submitted to before they proceeded any farther. By the division the House had decided, that Mr. Hastings should be heard before the parole evidence was received. Did the Right Honourable Gentleman intend to move to have the charges altered, before they proceeded any farther with them?

Mr. Sheridan thought the House had committed a sort of blunder in their proceedings. They had decided that Mr. Hastings should be heard immediately, and the Right Honourable Gentleman had said, the charges must not stand in their present form. Was it then wise or proper to hear Mr. Hastings, to what the other side of the House termed vague, confused, irrelevant, and unintelligible charges? Or would it not have been better, more regular, and more sensible, to have reduced the charges to the form in which they were to stand first, and then have heard Mr. Hastings to them? A conversation arose as to when and where Mr. Hastings was to be heard. The Speaker stated that there were two places in which Mr. Hastings might be heard, either at the Bar of the House, or before the Committee. He wished Gentlemen to turn it in their minds, and decide which was most proper.

The Chancellor of the Exchequer said, as the charges were already referred to a Committee, he thought the Committee the proper place, and then after Mr. Hastings had been heard, if it should appear necessary, the form of the charges might be changed; or there was another way, by discharging the order for the Committee, and hearing Mr. Hastings in the House, and either altering the charges in the House, or by voting an instruction to the Committee to alter them. The Chancellor of the Exchequer said, he had been misrepresented all through the debate preceding; he had never said, the charges contained not matter highly criminal, but that there were parts of them so irrelevant to that criminal matter, that it would not be proper to call evidence to those irrelevant parts.

Mr. Fox contended that the House was the fittest place to hear Mr. Hastings in.

Mr. W. Grenville coincided in opinion that the House was the properest place. Mr. Grenville said, Mr. Burke in the early part of the preceding debate had given the House hopes, that he would himself reduce the charges to the issuable points as they had been called. He stated why he thought Mr. Burke the properest person to do so, and why it was necessary that they should be so reduced.

Mr. Burke said, there was scarcely one of the charges that was not full of issuable points. He went through one or two of them to illustrate this assertion; and afterwards the conversation was resumed between the Chair, the Chancellor of the Exchequer, Mr. Fox, Mr. Sheridan, &c. as to the best mode of settling the resumption of the business, when it was at last agreed, that Mr. Hastings should be heard on Monday, and the Committee sit on Tuesday.



APRIL 28th.

Mr. BURKE was on his legs when the strangers were admitted, and was arguing about some petition, that he said he should forbear to present until his charges against Warren Hastings, Esq. already delivered, were disposed of; which he hoped to be empowered to carry to the House of Lords before the middle of May.

MAY 1st.

AT length the other orders of the day, and the common business having been all gone through, the order of the day was read, for hearing Warren Hastings, Esq. upon the matters in charge against him. Upon the question put, Mr. Hastings was called in, and addressed the House in a short speech, in which he stated, that he considered his being allowed to be heard in that stage of the business as a very great indulgence, for which he begged leave to make his most grateful acknowledgments to the House; and as his wish was to deliver what he had to say in answer to the charges that had been presented against him, by an Honourable Member, with a greater share of accuracy and correctness than he could pretend to in an extemporaneous speech from memory, he had committed his sentiments to writing, and hoped to be permitted to read them.

The Speaker told Mr. Hastings, he might certainly assist himself by any paper that he thought proper to refer to. Mr. Fox, Mr. Burke, and many other Members, said, By all means.

Mr. Hastings then began with reading a paper containing general observations on the nature of the charges against him, and the manner in which they had been brought forward, stating among other things, that he had left India amidst the applauses and grateful acknowledgments of those over whom he had administered Government, and had received the unanimous thanks of the Court of Directors at home for his thirty-five years services, and therefore having had such testimonies of his having acted agreeably to those for whom he had conducted the Administration of the Government of India, he had supposed no other person could have urged an accusation against him, much less have charged him with divers high crimes and misdemeanors before that House, with a view to make those charges the grounds of an impeachment before the House of Lords. He had lately, however, learnt much more than he had dreamt of in his philosophy, and was ready and prepared to meet the accusations, such as they were, and urged in the manner that they had been against him, but he begged the Honourable House to recollect that the charges came unobtruded upon them by him or any person authorized by him; he had been for five years together the object of daily menace, attack, and invective; and, therefore, that the threat of Parliamentary vengeance might not hang for ever over his head, especially at a time of life when, after his hard services, he might be thought desirous of courting repose, he had called upon his accuser to come forward with any specific charge he had to urge against him, in order that he might meet it with a specific answer, and thus put the matter in issue fairly and fully. He said, he had been sent out to India a mere school-boy, and had held situations there of so much power, and difficulty, that it was more than he could presume, that with a judgment so deficient as his own, repeatedly thwarted and opposed as he had been, and standing without the benefit of that salutary advice and powerful assistance at hand, which those who held the reigns of Administration at home constantly enjoyed, there might not have been much of error in many parts of his conduct; all that he could claim was, a steady and uniform endeavour so to administer the Government of India as to make it a source of advantage and benefit to the Company at home, and of ease and happiness to those who lived under it abroad. That he had so done, he could afford ample proof; indeed, it might be established sufficiently by the evidence of those witnesses his accuser had summoned to give their testimony in support of the charges against him. Mr. Hastings said he was aware that by thus standing forward, he might furnish proofs of his own misconduct; but if the truth were desirable to be known, he thought it better to be himself the speaker of it, even though the result should be that it should tell against him. After an exordium to this tendency and effect, but of considerable length, he proceeded to make answers to the several charges against him, which, he said, were made up, in some instances, of misrepresentations of facts; in others, of false reasonings upon them; in others, in partial and mutilated quotations from public letters and records, and the whole drawn up in such an artificial arrangement of phraseology as to convey to the undistinguishing eye imputations



putations of so heavy and heinous a nature, that the man who could have been guilty or ~~them~~, would deserve not only to forfeit his honour and his reputation, but his life. He trusted, however, he should be able to satisfy that House and the world of his innocence, and to prove, beyond a doubt, that he was not the criminal he had been repeatedly described to have been within those walls.

Mr. Rolls asked if Mr. Hastings's answers might not be delivered in and printed, which would save the House much time and trouble.

The Speaker said, they could not consistently with the orders of the House.

Mr. Hastings produced separate and distinct answers to each of the several charges, some of which he read himself, others were read by Mr. Markham, others by Mr. Hatfel, and others by Mr. Leigh. They had proceeded as far as the answer to the sixteenth charge, when it being near eleven o'clock, the Chancellor of the Exchequer rose, and said, as the evening advanced, and Mr. Hastings had given the House to understand, that there still remained behind answers to some of the other charges, one of which went into considerable length, he thought it advisable to move the question of adjournment then, proposing to resume the hearing the remainder of what Mr. Hastings had to offer early the next day.

Mr. Burke said, that he had ever observed that it was much more advisable to continue to hear the whole of any business on one day, however fatiguing, than to break it off in the middle, and adjourn it till another opportunity. The fullest scope had been given to Mr. Hastings, and too large a scope could not be given him to bring forward his defence in what manner appeared most advisable to himself, and he had been indulged with such relief of various kinds, that his continuing to go on could not possibly be attended with any personal inconvenience to himself; as therefore nothing that he said could be brought to a final decision in that House, he wished they could have heard the whole before they rose; what he had heard was exactly the sort of defence he had expected, but he would not then go into it. He hoped that House would do him the justice to acknowledge, that he had in one instance at least shewn the most governed temper in the progress of the business; he had never struggled against their opinion, when that opinion was declared, however much he thought it an erroneous one, and he was ready then to submit to the question of adjournment, hoping as he did, that there might be as full an attendance the next day, and that the business would come on early.

The further hearing of Mr. Hastings was adjourned to the next morning.

Mr. Sheridan wished to settle the arrangement of some of the orders for the week, which he conceived must be changed in consequence of the debate that the introduction of the India Bill, Mr. Dundas had given notice of, would occasion.

The Chancellor of the Exchequer said, it would be better to wait till the next day, and see what debate the Bill in question should occasion, before any step was taken in consequence of the supposed length of it.

The House then adjourned.



The MINUTES of what was offered by WARREN HASTINGS, Esquire, late Governor-General of Bengal, at the Bar of the House of Commons, upon the Matter of the several Charges of High Crimes and Misdemeanors, presented against him in the Year 1786.

---

## I N T R O D U C T I O N.

**B**EFORE I enter upon my General Defence, I humbly solicit the indulgence of this Honourable House, to be permitted to preface it with a few necessary observations relative to the circumstances which have progressively conspired to make me an object of the present enquiry. In the first place, I beg leave to remark, that I am here by no obtrusion of my own. I have too humble a sense of my own consequence, to consider either my reputation, honour, fortune, or life, or all these interests collectively, as having any claim to the smallest portion of the valuable time of this House, on any ground, however just in itself, which has these only for its object. I have been brought before the notice of this Honourable House by the acts of others, independent of my will or desire; and all the participation which I have in it, is in the request made by a Member of this House on my behalf, and at my suggestion, that since it was determined that my conduct was to be arraigned before this Honourable House, my arraignment might be speedy, and that I might have the time and means afforded me to provide the materials for my defence: For after having been, during a course of five years, the continued subject of the same criminations, and from the same quarter, with the name of the Almighty solemnly invoked to attest the pledge given to this House that the most undoubted proofs should be produced to authenticate them—I allude, Mr. Speaker, to no declarations made in this House, but to publications out of it—I may surely be allowed, even with a consciousness of the purest integrity, to wish for a speedy accomplishment of a menace thus made, and for such professed purposes; and that it might not hang the denunciations of Parliamentary vengeance over my head for ever.

Of the first effects of this injury I have a right to complain; for in these the injury affected the public alone, through their interests committed to my charge. During a long and desperate struggle, with an accumulation of difficulties, and a host of natural enemies combined against our national possessions in India, when I required all the support and confidence of my superiors in the parent state to give effect to my exertions, all my actions were reprobated at home, and my name linked to the foulest invective, even in places of the highest authority; and every dispatch from England brought orders opposing my measures in their course, and the sentences of my disgrace and dismissal. Yet these caused no alteration in my conduct, or relaxation of my zeal for a service in which my labours had met so ill a requital, except from my respectable constituents, in whose applause alone I received a consolation under all my discouragements. I steadily pursued that line which my sense of duty had prescribed; and sometimes availing myself of the transitory moments of power which the hand of God afforded me, at others using the resistance which the influence of possession or opinion enabled me to make, or the caution of opposition permitted; or endeavouring to temper its violence by qualified submission, where the means of resistance failed me; never possessing the allowance of authority, but always charged with responsibility; I persisted in the formation and prosecution of every measure, which the emergency of the service rendered necessary in my judgment, and had the conscious triumph of seeing them all invariably terminate in their designed objects: Nor did I resign my charge, until I had fulfilled every duty which required my continuance in it; and I resigned it in a state of established peace and security, with all the sources of its abundance unimpaired, and even improved, notwithstanding the vast drains which were made of its treasures, and the multiplied diversions of its strength, in the support of the dependent and remote possessions of the Company, and in the maintenance of their wars, and of wars in which the Company were involved by the policy of Great-Britain. I parted from the scene of my public life with the expressed regrets of my fellow servants and countrymen; which were followed by a like declaration from all the officers of the army who had served during my administration; and on my



return to my own country, I was received by the Court of Directors, my immediate masters, with their thanks; and I gratefully remember the Chairman's emphatical pause on the epithet which was joined to them, their *unanimous thanks*, for my services; with a notification of those which had been some time before bestowed on me by the Votes of the Proprietors, my honoured employers, which were not the less acceptable for their consistency with the uniform tenor of their sentiments and conduct respecting me through the whole course of my administration. If this Honourable House is desirous of knowing in what estimation I stood with the Princes and Rulers of India, and with the subjects of our own dominion, the opinions of both may be easily obtained, by enquiry of the witnesses whom my prosecutor has called to establish his charges against me: And I will anticipate their evidence—It will state, that my political conduct was invariably regulated by truth, justice, and good faith; that all persuasions of men were impressed with a superstitious belief that a fortunate influence directed all my actions to their destined ends; and that my departure was scarcely less regretted by the inhabitants of the provinces of my late dependency, than it was by my own countrymen. I believe this Honourable House is in possession of one testimony of the former, in the letters which Madajee Scindia wrote to His Most Gracious Majesty, and to the Company. These were written many months after my departure, and contain much more of my praise than his own wants or requisitions, unless the former is inserted as an implication of his desire that others may be instructed to govern themselves by my example:—And who will question such an authority?

With such testimonies in my favour, and with the internal applause of my own mind superseding all evidence, what was my surprise to find, on my arrival in England, that my character still continued to be assailed with the bitterest calumnies and invectives, and a formal notice given before the close of the last session of Parliament to this Honourable House, that I should be arraigned as a criminal before it on the opening of the present?

I am since told that no such intention existed; and that my own intemperance, and the zeal of my friends, has forced my accuser to verify his own declaration.

I have no right to credit such an assertion, nor will I believe, new and unpractised as I am in the modes of life in which I am now become a participator (and I have learnt by it to know more things than were dreamt of in my philosophy), that so daring an imposition could be either practised upon this high and dignified Assembly, or permitted by it. Though I might have thought myself entitled by my services to a different reception, and my body and mind, worn down by the labours of thirty-five years, to an interval of repose; and though I might erroneously imagine that no power upon earth had a right to impeach me for the exercise of a trust which those for whom I held it had repeatedly declared, and in the most authentic terms, that I had discharged to their benefit and entire satisfaction; yet I was glad to see some substantial ground on which I could build my hopes of a speedy trial and definite termination. There too my expectation failed me. The prosecution began, not as is the universal practice of every system of jurisprudence established either in this or any other civilized nation, by the introduction of specific charges, and the examination of witnesses to prove them: For the latter indeed there was little need, since my accuser had long before asserted, that he was in the actual possession of proofs, and of such proofs as were to fill the breasts of this Honourable Assembly with horror. Why therefore aggravate them with new proofs? But witnesses were ordered to attend, and reams of official documents demanded, produced, and printed; additions were daily made to these during the course of many weeks; and the eyes of the world were fixed upon me as a man blackened by the imputation of some unknown guilt, which was the blacker for its concealment. No grounds were alledged for the accumulation of such a mass of evidence against me; no specific objects to which it was to be applied; nor was it known to this Honourable House, perhaps not even to that Member of the House who had required these materials, what the charges were to be, which he was to establish by them.

At length I heard that a day was fixed for the production of the charges; but here too I experienced a fresh cause of disappointment and mortification. Three weeks were assigned for the term of their appearance; and when that term expired, this Honourable House knows (for I may not perhaps affirm what I have heard) whether even then any of the charges were presented, and whether, when they were presented, they were optionally given.

In all this long and painful interval I myself, though the object of the enquiry, remained in total inaction, a mere spectator of the passing scene; for I knew not, nor could I know, what defence to prepare, not knowing what charges were to require my defence. And when they were produced, I was told that I could not be admitted to my defence, because, by the rules of the House, I could not know the charges exhibited against me, nor that any had been exhibited; nor indeed were all exhibited at the same time, but followed tardily, and the three last (if indeed these are the last) not till last Wednesday. But though it might be informal in me



to know the charges, the public are certainly in possession of all but the three last, for they have been printed and publicly sold, and purchasers invited, by an advertisement made in all the public papers, which stated them "Articles of Charge of High Crimes and Misdemeanors" against me by name, and the name of my accuser inserted by a construction marking him not as the presenter of the charge, but as the publisher of it. How much my reputation must have suffered in the opinion of all mankind from this publication; how severely my feelings must have been wounded by so unfair and iniquitous an appeal to their judgment, while the charge itself, loaded as it was with crimination against me, yet waited its slow term of maturity for the examination of it before its allotted judges, I leave to the decision of every Member of this Honourable House, who will bring the question home to his own judgment and his own passions, by supposing that case to be his own which I have described as mine.

Nor is this the only injury of the kind that I have suffered. Every daily paper has teemed with reflections upon me; and pamphlets, filled with the most scandalous and libellous abuse, have been written on various subjects of the charge, to influence the prejudices of the public against me; and it has been boasted that they have produced the effect.

Pressed by the load of slander thus heaped upon me, I resolved to try the only resource which afforded me a chance of redress; and in opposition to many and weighty discouragements, I threw myself upon the justice of this Honourable House, and petitioned to be allowed to make my defence in person,—and I succeeded. Whether I owe this indulgence to your goodness, or your justice, I accept it with equal gratitude.

Of the discouragements to which I allude, I shall mention but two points; and these it is incumbent on me to mention, because they relate to effects which the justice of this Honourable House may, and I trust will, avert. The first is an objection to my being at all personally committed in my defence, since in so wide a field of discussion it would be impossible not to admit some things of which an advantage might be taken to turn them into evidence against myself: Whereas another might as well use as I could, or better, the same materials of my defence, without involving me in the same consequences. But I am sure that this Honourable House will yield me its protection against the cavils of unwarranted inference; and if the truth can tend to convict me, I am content to be myself the channel to convey it.

The other objection lay in my own breast. It was not till Monday last that I formed the resolution; and I knew not then whether I might not in consequence be laid under the obligation of preparing and completing in five days, and in effect so it has proved, the refutation of charges which it has been the labour of my accuser, armed with all the powers of Parliament, and at one time greater, to compile during as many years of almost undisturbed leisure. But I knew myself equal to the undertaking; and I now only revert to my difficulties, that the consideration of them may bespeak the candid allowance of this Honourable House for any inaccuracies, or for any thing defective which may appear in my defence; but I claim no other indulgence on this account.

It might perhaps be expected, that I should object to the construction of the articles of which the charge is composed; for, in truth, they are not charges, but histories and comments. But they are yet more; they are made up of mutilated quotations;—of facts which have no mutual relation, but are forced by false arrangement into connection;—of principles of pernicious policy and false morality;—assertions of guilt without proof, or the attempt to prove them;—interpretations of secret motives and designs which passed within my own breast, and which none but myself could know;—actions of others imputed to me, in which I had no concern, or which passed in opposition to me;—and epithets and invectives affixed to acts ascribed to me, equally to those which in the construction are bad, as to those which are indifferent, or even meritorious.

These are artifices by which the most wary judgment might be surprized, that had nothing before it to repel their effects, but which on the touch of truth disappear, and leave, not merely the conviction of their own fallacy, but the strong internal presumption that the charges themselves were formed under the conviction of their want of foundation; and as far as my feelings as a man will allow me to consider them in that tendency only, I am glad that they wear the form which they do wear.

With respect to the general subject of the charge, I must beg leave to observe to this Honourable House, that it has been composed from a laboured scrutiny of my whole official life, during a most important and weighty administration of thirteen years, comprehending perhaps a greater variety of interesting events than have fallen to the lot of any man now living events not brought  
to



to the public view by their notoriety alone, but all, the subjects of minute record;—measures proposed, with all their motives and objects distinctly laid down in writing, with their effects displayed by letters and official reports through every process of their operation;—opposed by every objection, and those too written, that the judgment or ingenuity of my colleagues in office, among whom I had always opponents, could devise;—at times weakened, at others suspended, and again resumed with their effect enfeebled: but my own responsibility still attending their issue. Yet all my actions have undergone, and even during the actual progress of them, they underwent such a severity of investigation, as could suit only a mind possessing in itself an absolute exemption from error. In the present occasion, I am put to a harder test; for not my actions alone, but my words, and even my imputed thoughts, as at the final day of judgment, are wrested into accusation against me. And from whom is this state of perfection exacted? From a man who was separated, while yet but a school-boy, from his native country, and from every advantage of that instruction which might have better qualified him for the high offices, and arduous situations, which it became his lot to fill; and left to form his rule of conduct on his own practice, and the light of such an understanding as it hath pleased God to bestow on him.

I pass over the first years of my life—These no otherwise relate to the present purpose than as they recommended me successively to the succession of the Government of Fort St. George, to the Government of Fort William, and virtually to all the appointments which have since followed.

I received the Government of Bengal with incumbrances, which might have intimidated a firmer spirit than mine; and I felt the perilous situation in which it placed me.

I found myself the titular head of a numerous, and not always accordant, Council, appointed to manage the affairs of a great state, which yet wore the marks of recent acquisition; but had neither a determinate form nor system, nor any orders or instructions which could enable them to give it either.

I attempted, and with the aids of my colleagues, where I was allowed them, I gave it both form and system; for every office into which it was distributed, to the time of my departure, received its institution during the period of my administration, and all the transaction, of it have, except the first two years of the General Government, in some part of their progress, received their direction from my guidance.—Yet in every step I had difficulties to surmount, which are unknown to the Rulers and Ministers of other Governments. Besides the conciliation of discordant opinions, and their more frequently confirmed opposition, I had my conduct circumscribed by orders which would apply to few of the cases which occurred, and those orders uncertain in their construction.

I beg leave to extend this reflection. During the long exercise of a charge so constituted, and with such exigencies attending it, how, may I ask, was it possible to keep affairs in one even line, or to avoid contradictions both in measures and expressions? At some time affairs were forced into a direction diametrically opposite to my views, by the power of a majority; sometimes they received their bias from my being obliged to submit to the opinions of those on whom I depended for support: And whenever the course of business was thus diverted from the straight line, it was often difficult to bring it back, without some degree of irregularity, of violence, or of general inconsistency.

When I suffered them to proceed in that devious line, I am charged with pursuing measures which my own opinions have condemned; where I attempted to restore them to their proper channel, I am accused of innovations. Many measures, which it would be now difficult to explain from written documents, were founded on circumstances of such notoriety, that no one could doubt their propriety at the time, and no one ever thought it necessary to record the reasons, or to establish the proofs of facts and events, which were then certain, and universally admitted.

The Minister of this empire (if I may compare great things with small) had, in the various emergencies of his administration, the learned judges of the land, general officers of the first authority and experience, and the merchants of the greatest commercial city in the world, to whom he might apply, and whose opinions he might command, on every doubtful question, whether of law, military operation, trade, or finance.—He could not err.

I possessed no such professional aids, but had only my own mind for my resources, and minds as little instructed as my own to assist me, and to be the instruments of my measures.

That



“That this description of my situation may not be imputed to me as the invention of difficulties made up for the occasion, I beg leave to appeal to the following extract of a letter which I wrote to the Court of Directors so early as the 11th November, 1773, which was before I knew of the formation of the new system for the Government of India.

Paragraph 4. “ May I be permitted, in all deference and submission to your commands, to offer it as my opinion, that whatever may have been the conduct of individuals, or even of the collective members of your former administration, the blame is not so much imputable to them, as to the want of a principle of Government adequate to its substance, and a coercive power to enforce it? The extent of Bengal, and its possible resources, are equal to those of most states in Europe. Its difficulties are greater than those of any; because it wants both an established form and powers of Government; deriving its actual support from the unremitted labour and personal exertion of individuals in power, instead of the vital influence which flows through the channels of a regular constitution, and imperceptibly animates every part of it. Our constitution is no where to be traced, but in ancient charters, which were framed for the jurisdiction of your trading settlements, the sales of your exports, and the provision of your annual investment. I need not observe how incompetent these must prove for the government of a great kingdom, and for the preservation of its riches from private violence and embezzlement.”

I will content myself with this quotation in this place; though I could wish that the whole letter were attentively perused, as it is strongly expressive of the difficulties and embarrassments of my late situation in India. To what I have said let me add, that in a newly established Government many occasions will constantly occur, which can be regulated by no precedent; and even the uncertainty of the constitution, and the unknown limits of the authority belonging to its various branches, will often provoke resistance, and produce events, which never could happen under a Government long established, and with its powers clearly defined, and universally understood.

Under such circumstances I humbly apprehend, that since it is not, as I have said, the lot of human nature to be exempt from error, some notorious calamity, affecting the interests of which I had charge, or some well-ascertained ground of corruption, or other moral deviation from my duty, the loss of national reputation, or of substantial property, ought to have appeared, before I became the subject of a parliamentary impeachment. But what losses has the nation sustained through my mismanagement? Have Provinces been dismembered from it? Have its armies been defeated in operations of my formation? Or war or famine wasted the countries of my jurisdiction?—No: The reverse has been the attendant of my fortune in every stage of it; and so little ground have I afforded, from the notoriety of my character, for such an inquisition into it, that I dare affirm that I stand, even at this hour (notwithstanding the prejudices excited against me) as high in the estimation of the world, I mean not to confine the assertion to this kingdom alone, as any man of my own rank and pretensions in it.

Yet I mean not to avail myself of this plea. I assert my general claim to the approbation of this Honourable House, and of my country for my services; but I neither desire, nor will admit, of their being placed in balance against my faults, if I have faults to stand in opposition to them.

I entreat the House, that each article of the charge may be distinctly tried, and they will be pleased to give their sentence upon each.

---

## ANSWER TO THE FIRST CHARGE.

### ROHILLA WAR.

THE first charge begins by stating, “ That the Court of Directors of the East India Company, from a just sense of the danger and odium incident to the extension of their conquests in the East Indies, and from an experience of the disorders and corrupt practices which intrigues and negotiations to bring about revolutions among the Country Powers had produced,



“ produced, did positively and repeatedly direct their servants in Bengal not to engage in any offensive war whatsoever. That the said Court laid it down as *an invariable maxim, which ought ever to be maintained, that they were to avoid taking part in the political schemes of any of the Country Princes*; and did in particular order and direct, that they should not engage with a certain Prince called Sujah ul Dowlah, Nabob of Owde, and Vizier of the Empire, in any operations beyond certain limits in the said orders specially described.”

To this I reply, that it is not true, in the terms stated in the charge, that the Court of Directors did “ positively ” direct their servants in Bengal not to engage in any offensive war “ whatsoever ; ” and, “ that they did in particular order and direct that they should not engage with the Nabob Sujah ul Dowlah in any operation beyond certain “ limits ” in the said orders specially described ; ” if by the term “ limits ” are meant either boundaries of territory, or any restriction of operations relative to the Rohilla war, which is the only subject on which such orders can be applicable to the present charge.

The several letters from the Court of Directors, to which references are made in the margin of this part of the charge, as documents or evidences of the assertion contained in it, prohibit the Government of Bengal “ to march any part of their army ” for the purpose of “ escorting the King to Delhi ; ” or to engage in any plan of alliance for “ establishing a balance of power ” among the Chiefs of India ; or “ to take the part of umpires in Indostan ; ” with a caution to “ avoid taking part in any of the political schemes of any of the Country Princes ; ” or “ to assist Sujah ul Dowlah in any ambitious views of his.” And the reasons, wherever reasons are assigned, for these prohibitions, are not the *odium* and *corruption* imputable to the contrary practice, but the inutility and expence of offensive military operations, and the uncertainty of their extent and duration.

But neither are the prohibitions stated even in these references as “ positive ; ” for in one place they say : “ You will observe, by the whole *tenor* of these dispatches, that our *views* are not to enter into offensive wars in India ; ” that is to say, such are our general wishes in all cases which will admit of the correspondent practice. And in another letter, which was expressly written upon the general subject, having, and as it appears most justly, expressed their disapprobation of a brigade of their forces being stationed at Allahabad, in which they were originally placed for purposes of remote hostility, they add this remarkable qualification of it : “ Positive orders upon this head we cannot give you, because you must undoubtedly act according to the emergency of affairs.”

There are other passages in the letters of the Court of Directors to their servants in Bengal, which allow of a dispensation from their general rule ; and some which even prescribe, in express terms, a deviation from it.—The following are instances of both.

General letter to Bengal, dated 28th August, 1771.—“ But the conduct of the Rohillas and Jauts is rather a matter of concern than surprize to us, as the King and Sujah ul Dowlah neglected the occasion to unite with those powers effectually to repel the common disturbers of the empire, and confine them within the limits of their former possessions. To whatever causes this general timidity or supineness may have been owing, *we find ourselves equally affected, and the tranquillity of the Provinces endangered thereby* ; but as the projects of the King, or the conduct of the Vizier, are at present too mysterious for us to decide on the motives of their inactivity, and as we know not what alliances may be formed *to justify us in carrying our arms beyond the bounds of their dominions*, we are prevented from proposing any precise plan for your guidance in this respect. But should your subsequent advices enable us to form a more certain judgment *of the expediency of departing from the plan we have laid down*, we shall communicate to you by some early conveyance, *how far we may be disposed to carry our arms beyond the bounds of the Provinces, or the territories of our allies, and become the parties in an offensive war.*”

In this extract the policy of the Court of Directors is marked in its full extent ; namely,—That they generally disapprove, and wish to avoid offensive wars, but that where their interests are threatened with danger, either immediate, or remote and eventual, by the designs of other powers, they approve, and even prescribe, a deviation from their general maxim. The same principle, with the same exceptions, is as strongly, and (may I say it) most judiciously displayed in the following extract of their general letter of the 30th of June, 1769 :

“ We esteem ourselves bound by treaty to protect the King’s person, and to secure to him the possession of the Corah and Allahabad districts. When we wrote, the 11th November, 1768, we apprehended the consequences of keeping the brigade at Allahabad would be creating in Sujah ul Dowlah a jealousy that would involve us in fresh troubles, having at



“ that time no cause to esteem him an enemy ; but, impressed as you were, with the opinion of  
 “ his hostile intentions and growing strength, at the time of the dispatch of the Valentine,  
 “ *we shall not blame your caution for deferring the execution of our orders for its removal ; nor shall*  
 “ *we at this time attempt to give positive directions for your conduct, which, in such critical*  
 “ *cases, ought seldom to be done, and in which the situation of affairs may be varied by unforeseen*  
 “ *events, at the very moment we are writing :* But having given you, with as much precision as  
 “ possible, a *general view* of the system by which we wish to see our affairs regulated, we must  
 “ leave it to you to improve, to the utmost of your power, every opportunity of drawing to-  
 “ wards that point ; and whenever you think yourselves obliged, for our security, upon emergent  
 “ occasions, to adopt measures of a contrary tendency, you are to give us very full reasons for such  
 “ a deviation, and endeavour to return to the path we have marked out, as soon as circumstances  
 “ will admit.”

Hence it is demonstrated, that the orders of the Company generally forbade offensive wars ; but authorized and even enjoined them, under certain circumstances of exception from the general rule.

The charge proceeds to state, that I joined with other Members of the Council, in declaring their approbation of the policy of the Company's orders : That “ I adopted them with sincerity and satisfaction ; and that I was too well aware of the ruinous tendency of all schemes of conquest ever to adopt them, or ever to depart from the absolute line of self-defence, unless impelled to it by the most obvious necessity of the circumstances :” That I repeated this declaration to the Court of Directors, and added a solemn promise, “ with the unanimous concurrence of the whole Council, that no object or consideration should either tempt or compel me to pass the political line which they (the Directors) had laid down for my operations with the Vizier ; assuring the Court of Directors, that I scarce saw a possible advantage which could compensate the hazard and expence to be incurred by a contrary conduct.”

Before I reply to this paragraph, I shall humbly lay my claim to object in every instance in which they shall be made, to inferences drawn from particular expressions of a general letter, containing my joint subscription with others.

It is sufficient, in such compositions, that the opinions of the whole are materially the same, it being impossible that they should be exactly the same in all cases, or in any cases of magnitude, especially such as involve a variety of considerations. To the mode in which the above extracts are worded, I particularly object ; because the sentiments which they contain are expressed as if they were especially and primarily my own, and only adopted by the other Members of the Board in concurrence with me. With respect to their “ unanimous concurrence,” though this is printed in *italics*, which seems to be an indication of positive assertion, I beg leave to express my doubts of it, having endeavoured to trace it, without success, in the records to which I have had recent access, and my own memory rejecting it.

Having premised these exceptions, I proceed to declare, most cheerfully and unreservedly, that I avow the principle ascribed to my declarations ; and make no doubt, that wherever I have had occasion to repeat them, my words have accorded invariably, and at all periods of time, with my general sentiments, which were and are an abhorrence of offensive wars, undertaken on the exclusive principles of ambition, profit, or policy. But I will also avow, that I would, without scruple, engage in an offensive war for the sake of retaliating an injury actually done, or of meeting the certain intention of it.

I cannot better or more fully express my sense of this principle, than in the following words, extracted from an address to the Court of Directors, written upwards of twelve years ago, upon the subject of the present charge : and therefore crave leave to quote it, as it stands in the records of this Honourable House.

“ I hope I shall stand acquitted in the breasts of all reasonable men, for maintaining the  
 “ opinions quoted against me in the conclusion of this paragraph \* ; but I adopt it, even in the  
 “ words of my opponents ; and if I am the *Chief of a great State*, alluded to by them, I shall  
 “ be always ready to profess, *that I do reckon the probable acquisition of wealth among my reasons for*  
 “ *taking up arms against my neighbours.* I never, in any period of my life, though long en-  
 “ gaged in public affairs, gave my consent for taking up arms in an *unjust* cause ; and I never  
 “ shall, but in cases of very notorious enormity, give my consent to take up arms in an *un-*  
 “ *profitable one.*”

\* NOTE. The paragraph alluded to is part of a letter of General Clavering, Colonel Monson, and Mr. Francis, to the Court of Directors, dated Nov. 30, 1774, in these words : “ We doubt whether there ever was an example of the Chief of a great State professing to reckon the probable acquisition of wealth among his reasons for taking up arms against his neighbours.”



I presume, that the principle which I have thus stated will be approved by the judgments of all rational men, as it is strictly conformable to the practice of all States in all ages. Wretched and contemptible indeed would be the condition of that Government which should preclude itself from contracting alliances or other engagements with Foreign States, and invite the attacks of its less principled neighbours, by establishing it as a rule of fixed and invariable policy, never to commit hostilities but in the immediate resistance of actual invasion; and equally irreconcilable with the common sense of mankind would be that policy, which should restrict the effects of a just war to the chastisement of wrong, and reject every advantage acquired by it.

I have been thus minute in my examination of the two first parts of the charge, for the necessary purpose of establishing the first principle on which my justification rested, whether as a rule of conduct prescribed by authority, or an obligation of inherent duty. From the rest of the charge, I shall content myself with selecting the positions which appear as points of crimination against me, and reply to them distinctly.

I shall first enumerate them in the order in which they occur.

- 1st. That the Rohillas are a nation.
- 2d. That I entered into an engagement for their extirpation.
- 3d. That the Company had never received, nor pretended to receive or apprehend, any injury whatsoever from the Rohillas.
- 4th. That the Nabob Sujah ul Dowlah never complained of an aggression or act of hostility, nor pretended a distinct cause of quarrel, other than the non-payment of a sum of money in dispute between him and that people.
- 5th. That the East-India Company were not parties to the engagement, nor guarantees thereof, nor bound by any obligation whatever to enforce the execution of it.
- 6th. That I did not make enquiry, nor give notice, nor offer mediation, &c.
- 7th. But that I did stimulate the Nabob of Owde to the enterprize.
- 8th. That I obliged him to accept even the permission to relinquish the execution of it as a favour, and to make concessions for it.
- 9th. That the engagement was verbal, and not bound by a written treaty.
- 10th. That I confessed that I spoke the Hindostan language *imperfectly*, and nevertheless made no use of an interpreter.
- 11th. That I proposed the acquisition of forty lacks of rupees for the Company.
- 12th. That I transgressed the instructions of the Council, by transgressing the Company's orders, to which their powers had restricted me.
- 13th. That I suppressed the information of the agreement originally made with the Nabob Sujah ul Dowlah, in the letter which I wrote to the Court of Directors from Benares, advising them of the treaty concluded with the said Nabob on other subjects.
- 14th. That I entered a false report of the transaction in the Council books, by representing that the Nabob had indeed *proposed* the design, but that *I was pleased that he urged the scheme of the expedition no further*, when in reality and truth I had consented to it.
- 15th. That I and the Council engaged in the enterprize, under circumstances of uncommon responsibility and personal hazard.
- 16th. That no part of the money due for the Rohilla war was recovered, till after the establishment of the new Government in Bengal; and that the whole remains in effect and substance unpaid to this day.
- 17th. That the Nabob Sujah ul Dowlah committed great acts of cruelty and inhumanity in the prosecution of the war, and in the abuse made of his victory; that he violated a Princess of



of great rank, and other women, and that I abetted him therein; that eminent families were either cut off or banished, their wives and children ruined, and the country laid waste and depopulated.

18th. That I disobeyed a standing order of the Court of Directors, first by not producing all my correspondence with Mr. Middleton, the Resident at Owde, and with Colonel Champion, the Commander in Chief of the army employed in the Rohilla war, to the Select Committee; and, secondly, by refusing to produce the same to the majority of the Council.

19th. That I arrogated to myself dangerous powers, by asserting that Mr. Middleton, the public Resident at Owde, was my official Agent, and that, being such, I was not obliged to communicate his correspondence.

20th. That the Court of Directors, and afterwards the General Court of Proprietors, “did unanimously condemn (along with my conduct relative to the Rohilla treaty and war) my refusal to communicate my whole correspondence with Mr. Middleton to the Council; yet that I have never yet communicated the whole of my correspondence either to the Governor General and Council, or to the Court of Directors.”

To these I shall briefly and distinctly reply.

Ist. *That the Rohillas are a nation.*

It is a fact of notoriety, and has been proved by examinations which were taken at the Board of Fort William in December, 1774, and inserted in the Reports before this Honourable House, that the Rohillas are not a nation, but a body of foreign adventurers, who made themselves masters of the country to which they have since given their name; and even the last Government of it was an usurpation of the first usurpation.

IId. *That I entered into an engagement for their extirpation.*

Much declamation has been used upon this word, until its original sense has been lost in the colourings which have been given to it. Yet I avow the word, and the design attributed to it. It was the professed intention of the Nabob Sujah ul Dowlah, and of course mine, as connected with it, to extirpate the Rohillas, that is, “to expel or remove them from the country which they occupied, without suffering the smallest vestige of their power to remain in it. In this sense I did most certainly agree to assist the Vizier, and so did the late President and Council; nor can I conceive how the war could have been undertaken with any other object.” These words I borrow from my Minute in Council, dated 11th January, 1775. I will add what immediately follows in the same Minute, as a reply both to this and the preceding article. “The majority know, as well as myself, that the Rohillas are not the people of the country, but a military tribe, who conquered it, and quartered themselves upon the people, without following any profession but that of arms, or mixing in any relation with the native inhabitants. I have already described the nature of this tribe in the ninth paragraph of my observations on the first letter of the majority; and the same account of them has been given by Colonel Leslie and Major Hannay, and, if I mistake not, by Colonel Champion himself, in their examination taken before the Board on the 19th and 28th of December. Major Hannay’s words are remarkable; I beg leave to quote them: *I have learned from many people, that it is only within 50 years that the Rohillas are become masters of the country to the North of the Ganges; that they were originally Afghans, came into Hindostan under a Sirdar, named Daood Cawn, and that they conquered that country from the Hindoos, and that since that time they have followed no other profession than that of arms, and the ancient Hindoos have cultivated the country. The Rohillas are Mussulmen, of the Sect of Omex; and the cultivators of the country are Hindoos. I suppose the proportion to be about nine Hindoos to one Mussulman.*”

It will appear, from the preceding explanation, that the extirpation consisted in nothing more than in removing from their offices the Rohillas who had the official management of the country, and from the country the soldiers who had opposed us in the conquest of it. Nor was the process a sanguinary or hard one, as they had only to pass the Ganges to their countrymen on the other side of it. In a word, we conquered the country from the conquerors of it, and substituted another rule in the place of theirs, upon the same principles of right and usage (the right of the war being pre-supposed) as a British commander in Europe would expel the soldiers of a conquered town, and garrison it with his own, which, by the same mode of speech, and, with equal propriety, might be called an extirpation.

IIId. *That*



III<sup>d</sup>. *That the Company had never received, nor pretended to receive or apprehend, any injury whatever from the Rohillas.*

The Company were joined on equal terms with the Vizier in the injury which he had received from the Rohillas.

That injury was the repeated breach of faith, and refusal given, in two successive years, to pay the sum stipulated for their defence, and for the expulsion of the Mahrattas from their country. —The Vizier was our Ally.

Our Government was applied to for its consent to the first design of defending the Rohillas against the Mahrattas, and the engagements which followed were negotiated by our Commander in Chief, General Sir Robert Barker.

These consisted in two separate instruments; one a treaty of mutual alliance between the Nabob Sujah Dowlah and the Rohilla Chiefs; and the other an obligation executed by them, to pay him, in consideration of it, forty lacks of rupees. Both were executed in the presence of Sir Robert Barker, and signed by him as a witness to it; which, in every instance of the kind that has ever passed in the Company's annals, is equivalent to a guarantee. The obligation is in the records of the Secretary's office in Calcutta, and the translation is entered in more than one place in the fifth report of the Committee of Secrecy.

IV<sup>th</sup>. *That the Nabob Sujah ul Dowlah never complained of an aggression or act of hostility, nor pretended a distinct cause of quarrel, other than the non-payment of a sum of money in dispute between him and that people.*

There were other just causes of complaint against the Rohillas: They had treacherously intrigued with the Mahrattas, with the design of uniting with them against the Nabob Sujah ul Dowlah during the subsistence of their engagement with him, and at the very time that he was in arms for their defence. Indeed a part of them had actually joined the Mahrattas, and the rest were on their march for that purpose, and were prevented only by the timely arrival of Sir Robert Barker in their country, in the beginning of the year 1773, with a brigade of the Company's troops in conjunction with the Nabob's.

This appears from various parts of the correspondence of Sir Robert Barker, and others, in the Appendix of the Fifth Report of the Secret Committee; and in Sir Robert's letter of the 6<sup>th</sup> of April, he says of them, "It is well known that neither promises nor oaths have been able to bind this treacherous sect of people to their engagements."

V<sup>th</sup>. *That the East India Company were not parties to the engagement, or guarantees thereof; nor bound by any obligation whatever to enforce the execution of it.*

That the Company were parties to the engagement, has been proved in the reply to the third article. That they were bound to support the Nabob Vizier in asserting his right, or to assert their own, is a question not necessary to the charge: It is sufficient that the right has been proved.

VI<sup>th</sup>. *That I did not make enquiry, nor give notice, nor offer mediation, &c.*

Sir Robert Barker and the Vizier had been engaged in continual negotiations with them for the recovery of the money in the years 1772 and 1773, and they had constantly evaded the payment.

The fact was notorious, and there could not be any obligation to give them notice, that they might be the better enabled to defeat the enterprize.

VII<sup>th</sup>. *But that I did stimulate the Nabob of Owde to the enterprize.*

My conduct in this instance will be fully explained when I proceed to the narration of the whole transaction. I shall here but observe that I thought the ground of war justly established; that the Nabob Sujah ul Dowlah had repeatedly urged our consent to it, and that I made use



of the earnestness with which he pursued this favourite point, to engage his agreement to a system of useful alliance with him; which I obtained, and date from it the subsequent power and prosperity of the Company in Bengal.

VIIIth. *That I obliged him to accept even the permission to relinquish the execution of it as a favour, and to make concessions for it.*

This is a perversion of a plain and simple fact.—I had required fifty lacks of rupees for the price of the cession of Corah and its dependencies: he pleaded his inability to pay so large a sum, and to defray the war with the Rohillas, and the increased subsidy for our army. I agreed to remit five lacks of the demand; and when he proposed to suspend the design against the Rohillas, which removed the former plea, I demanded, and he consented to replace the five lacks, and the stipulation for Corah remained as it originally stood in my demand for it, at fifty lacks; and thus the transaction is stated in my original report of it.

IXth. *That the engagement was verbal, and not bound by a written treaty.*

It is true, that the first proposition for the Rohilla war was discussed and terminated in conversation; but the terms on which it was to have been undertaken were committed to writing, and made parts of the draft of the treaty concluded with the Nabob Sujah ul Dowlah, at Benares; but were withdrawn from it at his own instance, and left unnoticed, because the whole business appertaining to it was postponed, and, as I then believed, wholly given up. Afterwards, when it was resumed, the terms of our mutual engagement were stated in the letters which passed between the Nabob and myself; and the event proved that the obligation in this mode was as binding as a treaty, in all its forms, could have made it; for the sum stipulated to be paid to the Company for their assistance in the war, was acknowledged by the Nabob to be due when it might have been disputed, and it has been punctually paid. It might have been disputed, because our army was withdrawn while the country was yet unsettled, and withdrawn without the Nabob's consent, and against his remonstrances; which was contrary to the express terms of the agreement made with him. But surely I may ask, is this defence necessary? Is every act criminal which any man may state to be such? Or is it criminal to have omitted doing what any man may conceive proper to have been done?—Hard would be my lot, were my past actions to be measured by this test of them; for though the papers which I have officially written, and to which I have contributed, would fill many ponderous volumes, yet their bulk and number would have been more than doubled, had every minute transaction and occurrence been minuted which I had deemed of importance at the instant in which they passed; and enormous indeed, if to these all the conversations were added, which either led to business, or arose out of it.

Xth. *That I confessed that I spoke the Hindostan language imperfectly, and nevertheless made no use of an interpreter.*

I will not transgress the bounds of my respect for this Honourable House, nor offend the high sense which I entertain of its wisdom, by offering any reply to this article.

XIth. *That I proposed the acquisition of 40 lacks of rupees for the Company, and a relief to the distresses of the Company, as objects of the enterprize.*

This I acknowledge; and whatever sentiments may have suggested such a motive as a criminal charge, I shall never regret the services and sacrifices which I have made to my employers, and to my country, whatever returns I may have received at the instant, or may receive from either.

XIIth. *That I transgressed the instructions of the Council, by transgressing the Company's orders to which their powers had restricted me.*

This is refuted by the preliminary exposition which I have offered of the true construction of the Company's orders on which it is grounded.

XIIIth. *That*



XIIIth. *That I suppressed the information of the agreement originally made with the Nabob Sujah ul Dowlah in the letter which I wrote to the Court of Directors from Benares, advising them of the treaty concluded with the said Nabob on other subjects.*

The letter which I dispatched to the Court of Directors from Benares was written to inform them of what had been done, and of that but as much as it was essential for them to know. It was not necessary to inform them of what was not done, nor to commit the secret of a design which had been dropped, but might yet take place, and which related to a great political event, to a letter which was to pass through the center of Hindostan, and afterwards through many nations of Asia and Europe, with at least an equal chance of its being intercepted.

In effect I suspect that it actually met with that fate, though written and dispatched in duplicate; for in the Report published by order of the Court of Directors, I find this letter inserted, with a notice that it was received by them on the 26th of March, which was the date of the receipt of the subsequent dispatches of the Board, by the Mercury packet.

That I may not appear to have been remiss in any part of the process of my transactions at Benares, I will crave leave to state the following short chronological recital of it.

On the 23d of June, 1773, I received my instructions from the Board. On the 7th of September I concluded a treaty with the Nabob Sujah ul Dowlah, conformable to my instructions. On the 10th of the same month I advised the Court of Directors of it in a letter dispatched in duplicate by land to England. On the 4th of October I delivered my report of my proceedings in my place, at the Board in Calcutta; and on the 12th of October a letter was written by the Board, and dispatched by the Mercury packet, to the Court of Directors, for the declared purpose of conveying to them my Report, in which all that had passed relating to the projected design against the Rohillas was fully recited: So that the whole transaction was begun and concluded, and underwent every requisite process of official communication, with a journey of fifteen hundred miles, in the course of three months and nineteen days.

The following is an extract of so much of my Report as relates to the present subject:

“ The Vizier was at first very desirous of the assistance of an English force to put him in possession of the Rohilla country lying North of his dominions, and East of the Ganges. This has long been a favourite object of his wishes, and you will recollect that the first occasion of my late visit was furnished by a proposal of this kind. He had certainly just grounds of resentment against the Chiefs of this nation, who had not only failed in their engagements to pay him forty lacks of rupees for his protection against the Mahrattas, but had actually supplied them with money when they appeared in arms against him. He offered to make the Company a consideration for this service, of forty lacks of rupees, besides the stipulated sum for the expences of our troops; but he afterwards laid aside this design, fearing that it would disable him from fulfilling his engagements for Corah and Illahabad. I enclose for your observation, No. 10, the original agreement of the Rohilla Chiefs, witnessed by General Barker; No. 11, a translation of the same; No. 12, a translation of a letter which I received from Hâfiz Rahmut Cawn, in whose name the agreement was ratified; and No. 13, a translation of a narrative delivered to me by the Vizier, in reply to it. *The measures to be pursued for his security on that quarter must therefore be determined by future occurrences.* I was pleased that he urged the scheme of this expedition no further, as it would have led our troops to a distance from our borders, which I would wish ever to avoid, although there are powerful arguments to recommend it.”

XIVth. *That I entered a false report of the transaction in the Council Books, by representing that the Nabob had proposed the design, but that I was pleased that he urged the scheme of the expedition no further, when in reality and truth I had consented to it.*

There is nothing like a contradiction in the representations which are opposed to each other, to establish the guilt of falsehood which is here laid to my charge.

I affirm, and the records of this House prove incontestibly, that the Nabob *did propose, did first propose, the design* of the Rohilla war: Nay that it was the foundation of my journey to Benares. It appears in various parts of the same authorities, that I availed myself of his eager solicitude for the attainment of this point to engage his assent to others of necessary consequence, and of much greater value to the Company; and it is certain that I *was* pleased to have



have obtained them without the necessity of making this concession, when he himself relinquished it. The internal movements of the mind admit of no determinate evidence to prove them; but that I was in a situation which was most likely to have affected me in the manner which I have described, I have abundant proof.

The dominions of the Nabob Sujah ul Dowlah, our ally, lay open and exposed to that possessed by the Rohillas, both consisting of one vast plain, without any natural line of division or obstruction between them; and both were shut in by the same common boundary, the Ganges, closing them in the northern extremity, with impenetrable mountains.

The Mahrattas had successively attempted to possess themselves of this country; and, but for the assistance of the Nabob's forces united with those of the Company, they would have succeeded: The Rohillas, though thus effectually and seasonably protected by the Nabob Sujah ul Dowlah, had openly negotiated with the Mahrattas, and had shewn manifest dispositions to unite with them against their defender. The same scenes might be renewed the next year, and repeatedly, with equal danger to the Nabob Sujah ul Dowlah, whether the Mahrattas obtained complete possession of the country, or the Rohillas joined with them to carry their ravages into his. The Company's interests, which were at all times involved in the security of the Nabob Vizier's dominions, had acquired a strong additional tie by his recent engagements with them.

The Rohillas had afforded him a just cause for war, and for all the consequences of it, by their repeated breach of engagement, and he had a right to our concurrence and assistance in the prosecution of it.

These were the grounds for undertaking the war; and on these grounds had he not himself shrunk from it, I should have thought myself bound to join him in undertaking it.

On the other hand, there were strong arguments of discouragement, which operated against the undertaking.

The success of it, though morally certain, might have been attended with greater difficulties than when it was afterwards attempted, by reason of the neighbourhood of the Mahrattas, who would certainly have been invited to take part against us. The same doubts which the Vizier entertained of his ability to pay the stipulated sum, in addition to those of our other claims upon him, might as obviously occur to my mind, with all the consequences both of public and private embarrassment from the failure. My authority, on which the continued support of the enterprize would depend, was but accidental, and liable to variation; and even that of the Board collectively, in points of a political nature, had for some time scarce appeared, but under the influence and agency of the Commander in Chief, whom I had offended by withdrawing it from him; yet, he must have been employed, and in effect my own choice had preferred him, in the execution of the plan, possibly with his own judgment opposing it.

To these objections, which related immediately to the measure itself, others occurred, which were of a foreign and adventitious nature, and some which were merely personal and private.

The first of these distinctions regarded the state of the Company at home, their Charter drawing near to its expiration, and a strong popular prejudice excited and universally prevailing against both them and their servants. The second, my own situation, and that of my colleagues and coequals in the Council.

I owed my appointment in the Government to motives which, though highly honourable to those who had nominated me to it, were but a limited and transitory dependence. I had no natural interest at home, no personal connections, nor any other means of support, than such as I might gradually and eventually acquire by my reputation in office. In the mean time, all my actions were to be viewed through a very remote medium, with a thousand refractions of private interest; secret misrepresentation; general prejudice; and the precipitation of uninformed judgment; and above all, the situation of my employers not allowing them the free exercise of theirs. The measure itself derived its propriety from circumstances of nice relation and various detail, which few could understand without some previous knowledge, or study, of antecedent events and local situation, and which were easily liable to misconstruction. It was repugnant to the general policy of the Company, and depended for its sanction on construc-



sive orders, of which the Court of Directors, who framed them, had a claim at least to the sole right of interpretation. These considerations, with others of a similar nature, pressed with a more sensible weight upon my mind at this time, by the means of recent advices privately received from England, which reached me while I was within a few days of my arrival at Benares, and by which I learnt that a new commission had been appointed from home, to make enquiry into the state of the Company's affairs in Bengal, and to supersede the powers of its actual administration.

With such prospects of discouragement, will it be supposed that in the solicitude of my zeal for the public service, or, if I must adopt the language of invective, in the pursuit of an irregular ambition, I had no intervals of secret leisure for the mind to turn the glass upon its own concerns? I well knew what my duty required of me, and *that* I was determined on performing, in despite of every inferior concern; yet, when I was relieved from the obligation by the Nabob's renunciation of his design, which could be prosecuted only at his requisition, and therefore no duty of my own opposed the forbearance of it, I might then both naturally and allowably yield some indulgence to my private feelings. I certainly was glad to be freed from the embarrassments, which I had apprehended in the prosecution of the plan, though I should have paid no regard to them, had I been still required to proceed in it. This opposition of my private and restrained wishes to my sense of what was incumbent on me in my public character, will be found to accord exactly with the sentiments expressed upon the same subject in my Minutes delivered upon both occasions, in which the subject of the Rohilla war was introduced to the notice of the Board, both when the design was first proposed and withdrawn, and afterwards proposed and adopted by the Board.

But perhaps I have mistaken the intended sense of this part of the charge; and it is not the inconsistency of my private feelings with my public actions, which is alledged against me, but simply the information given by me to the Board, that the design of the expedition had been dropped, when in fact it yet existed, with my engagement to prosecute it.

If I have mistaken the meaning of this paragraph, and unnecessarily wasted the time of this Honourable House in so long and laboured a refutation of a charge not made against me, I humbly refer myself to the candour of this House, and beg leave to ascribe my error to the manner in which the charge is drawn and printed, with intricacy of construction, and a frequent change of type; many words, and even whole sentences, being printed in *italic* characters, as if indicating some implied guilt, or aggravating that expressly alledged against me. Nor is this practice (whether fair or not, this Honourable House will determine) confined to the paragraph in question of this first charge, nor even to this single charge, but pervades, with the like ambiguity, every part of every charge exhibited against me.

I now proceed to reply to this article, in the sense which I have just inferred from it.

In my reply to the preceding article, I have inserted the whole of my report, of what passed between the Nabob Vizier and myself at Benares, on the subject of the first proposal for the Rohilla war, in an extract from my report of all my proceedings there. This report stated, that the Vizier was desirous of our assistance against the Rohillas, and offered terms for it; but that, for reasons assigned, he afterwards laid it aside; "that the measures to be pursued for his security on that quarter, were therefore to be determined by future occurrences;" and "I was pleased that he urged it no further." There the business rested, and as I certainly did believe it at that time, finally, though the obligation still remained, if the Nabob should again lay claim to it, and no change of circumstances intervened to alter it.

On the 26th of November of the same year, the subject was again introduced at the Board, with a request of the Vizier, for the renewal and prosecution of it; and the following was my recital of the transaction more at large, in a Minute which I delivered upon the occasion:

"In this situation, here appears an unusual degree of responsibility annexed to such an undertaking. I would therefore recommend it to serious consideration; and at the same time I think it my duty to declare, that I find myself embarrassed in a peculiar manner in my decision, from the circumstances of what passed between the Vizier and myself at Benares. The Board will recollect, that this very country was included in the line of defensive operations which they thought proper to adopt last year in support of the Vizier; and it is now necessary to acquaint them more fully, that the Vizier at the interview did propose this expedition to me, and earnestly solicited my assistance; that I regarded this request as a lucky circumstance in the negotiation, and availed myself of it, as the means of purchasing the Vizier's compliance with the other measure, which was the principal object of my commission. I consented to it; engaging to assist him in the enterprise, on the conditions with which the



“ Board are already acquainted. Afterwards, from a suspicion of his own ability to make good so many pecuniary engagements at once, as those he had undertaken, he himself made the proposal for suspending the Rohilla expedition; but the condition which took its rise from it, viz, that the future payments of the extra charges of the army sent at any time to his assistance, should be fixed at two hundred and ten thousand rupees per month for a brigade, was still allowed to be made an article of the new treaty. And it was further agreed, that the stipulation for Corah, which I had with difficulty raised to forty-five lacks of rupees, should now be made fifty, in consideration of his being exempted from the additional burthen of the projected campaign, and better enabled to fulfil his other payments. It is unnecessary to explain the motives which urged the Vizier to make concessions for the liberty of relinquishing a point which he had apparently so much at heart, and which I was not solicitous to pursue: The detail would be tedious—the gentlemen who were with me, and to whom I made daily communication of the progress of the negotiations, will remember that such was the issue of this part of them. The expedition remained only suspended; and I gave him every reason to expect, that whenever it could again be with prudence resumed, and he desired it, it should be undertaken.

“ This is the predicament in which I now stand with the Vizier; and although, from a fear of his not being able to fulfil his part of the agreement, I wish to avoid engaging in the project for the present, yet it appears to me, that a direct refusal, after what has passed, would have an unfriendly aspect, and might admit of the construction of artifice and insincerity in our dealings with him.”

I now throw myself on the justice of this Honourable House to determine, whether there is any other difference between the two recitals, than that the latter is more detailed and enlarged than the former, which states little, more being then unnecessary. Had the engagement in the first instance stood, it would have constituted an article in the treaty, which was at that time concluded, and the draft of it is still on record; but the Nabob himself declining it, it retained no other force on our Government, than that which the spirit of honour and fair dealing might allow, and the circumstances of affairs admitted. These had received no other alteration, than the departure of the Mahrattas, occasioned by a late revolution in their own state, which was likely, for a length of time to come, to prevent them from interfering in our operations.

If further evidence of this construction is necessary, the following Extract from the Letter of the Nabob Sujah Dowlah, which furnished the subject of debate, of which the preceding Minute formed a part, will put it beyond the possibility of doubt.

Extract of a Letter from the Nabob Sujah Dowlah, received the 18th November, 1773.

“ During our interview at Benares, we had some conversation on this subject; and it was then agreed on, that I should pay to the Company the sum of forty lacks of rupees, after the extirpation of the Rohillas; and two hundred and ten thousand rupees monthly, on account of the English brigade, during my operations in the Rohilla country; and that I should, with the assistance of the English forces, endeavour to punish and exterminate the Rohillas out of their country.

“ *If therefore these terms are agreeable to you, I desire to know whether you will assist me with the English forces; or you will not.*”

When I wrote the Minutes from which the preceding Extracts are taken, I little suspected that the time would come when they were to be put to the rack of verbal criticism before the House of Commons of Great-Britain.

I look back with pain on the many pages which have been filled with this part of my defence, in a discussion which I myself cannot but consider as unworthy to take up so much of the attention of this Honourable House, did not the occasion of it implicate the plausibility of every other charge instituted against me, and cast the colour of reproach upon the most important transactions of the British Government in India, during the course of thirteen years, from the imputed depravity of character in him who directed them.

A charge of falsehood in terms, of deliberate falsehood, imprints such a sense of infamy on an ingenuous mind, as even the fullest refutation of it cannot wholly efface; since it taints the source itself of every honourable principle, and follows its devoted object into all his habits of society, even to his dearest connections.

I hope,



I hope, therefore, I shall not be deemed to depart from the great respect which I owe and truly profess for this august Assembly, if on this occasion I abandon for an instant the degraded condition of a man arraigned, and assume my claim to the rights of respect which my rank in office, primarily and repeatedly assigned to me by this Honourable House itself, authorizes me to assert.

If, after a patient and full examination of all the charges exhibited against me, I shall appear to merit that punishment which the justice of my country exacts for high offenders, let me receive it;—I will submit with what resignation I can to my doom, how much soever my own consciousness of better desert may revolt against it. Let me not, however, be punished before conviction by the admission of hard epithets, and disgraceful invectives against me. I am warranted by the doctrine of my religion, to protest against such a treatment; for this teaches me, that even a blessed spirit of Heaven contending with the devil “durst not bring a railing accusation against him;” but if the result shall prove, that in a long, difficult, and perilous service, I have conducted myself with integrity, and with a zeal for the interests of my employers, and my country, manifested by an invariable train of successful measures; that I was instrumental in preserving one great and valuable branch of the British empire committed to my charge, from threatened annihilation; and left it in a state more prosperous than I received it; what atonement will this Honourable House in its justice ordain for the injury which I sustain by having been branded on its records, and under the sanction of its authority, with the vile and abhorred character of a Verres, an oppressor, a defrauder, a traitor, and even of a liar?

*XVth. That I and the Council engaged in the Enterprize under Circumstances of uncommon Responsibility and Personal Hazard.*

This I admit; but not in the terms of the text, nor with the implication of criminality, I know not on what grounds affixed to it.

*XVIth. That no Part of the Money due for the Rohilla war was recovered till after the Establishment of the new Government in Bengal, and that the Whole remains in Effect and Substance unpaid to this Day.*

The meaning of this charge seems to be, that so long as any balance remained due from the Nabob of Owde, in the running account between him and the Company, that balance arose exclusively out of the stipulation for the Rohilla war, whatever debts may have been incurred, or payments made, though of millions on both sides of the account, since that debt was originally contracted.

This is contrary to the general commerce of mankind; every debt, in the order in which it was contracted, being universally understood to be discharged by the sums received, if equivalent in their correspondent order of payment; but let it be as it will, it is now paid beyond all possibility of question; for even while these charges are forming, advices are received from the government of Bengal, which declare that the Nabob of Owde had paid up the whole of his debt to the Company of every kind, without an Anna remaining.

*XVIIth. That the Nabob Sujah Dowlah committed great Acts of Cruelty and Inhumanity in the Prosecution of the War, and in the Abuse made of his Victory; that he violated a Princess of great Rank, and other Women, and that I abetted him therein; that eminent Families were either cut off or banished, the Wives and Children ruined, and the Country laid waste and depopulated.*

This part of the general charge, if it were true, could only affect me as the abettor of it.

That I was not the abettor of it I certainly know, but cannot disprove it, otherwise than by an appeal to my general character, which is in the strong features of it well known, and to the evidences themselves, which are quoted in support of the allegation. I deny that there is a syllable in these that proves it, or that, without a violence on the construction which could convert white into black, even tend to cast the most distant suspicion of it.

The letter written by the Board to Colonel Champion, dated the 23d May, 1773, and mine to Mr. Middleton, dated the 27th of the same month, which I shall crave leave to read at the close of this article, are evidences of my anxiety and endeavours, both to obtain a true knowledge of the facts, and to redress them in whatever degree they might be found to exist; and  
the



the answers to both are, in my opinion, a refutation of the charge as it stands against the Vizier. With respect to the first, Colonel Champion, in answer to the desire expressed by the Board, "to be immediately advised of the particulars of the treatment to which he had alluded," that is, the Nabob's treatment of the Rohilla prisoners, begins the subject with a sentence that seems to promise the information required; but no such information follows.

Mr. Middleton's answer is in point, and affords a very temperate, and I do believe a most faithful report upon the question. It is long, and worth the perusal of those who may wish for more information upon the subject. It no further concerns me.—I am unwilling to quit this subject without adding, that the sons of Hâfiz Rahmut Cawn were living at Lucknow when I was at that capital; that they enjoyed a pension from the present Nabob, which afforded them a decent maintenance, with a promise of more after payment of the Nabob's debt to the Company, under the engagements which he had contracted with me. They were under no other restraint than a prohibition to re-visit their own country, and were my daily visitors; for which they no doubt had the express permission of the Nabob, and that optionally given, for I never intimated the most distant wish to see them; and indeed they frequently attended him in the visits which he himself made to me.

Fyzoola Cawn, the only surviving son of Ally Mahmud, the founder of this little dominion, still remains in peaceable possession of as much of his inheritance as he held before the war, which (by a fatality that might induce a mind, even but lightly tinged with superstition, to infer the hand of Providence in so just a distribution of its events) closed with the death of Hâfiz Rahmut, the usurper of the rights of his patron and master, who had entrusted them to his guardianship, and with the deprivation of the children of his accomplices, as the punishment allotted, according to their several degrees of guilt, to the perpetrators of so complicated a treachery.

My letter to Mr. Middleton, to which I have above alluded, I now intreat permission to read. I was not aware of the strength of this evidence, when on a cursory inspection I marked it for reference. I am pleased to find it, on a more attentive perusal of it, not only a clear refutation of the charge, so far as I myself am affected by it, but an example to shew both the delicacy with which I treated the great allies of the Company, and the firmness with which I maintained the rights and honour of my own nation.

Extract of a Letter from the President to Mr. Nathaniel Middleton, dated 27th May, 1774.

"Colonel Champion complains of the conduct of the Vizier, in suffering, and even in ordering his troops to ravage the country, and in his cruel treatment of the family of Hâfiz Rahmut. This is a subject on which I cannot write to the Vizier; it might widen the breach between him and the Commander in Chief, and possibly influence the Nabob to some private revenge on the unhappy remains of Hâfiz Rahmut's family. I desire, therefore, that you will take an immediate occasion to remonstrate to him against every act of cruelty or wanton violence: The country is his, and the people his subjects; they claim by that relation his tenderest regard and unremitted protection. The family of Hâfiz have never injured him, but have a claim to his protection, in default of that of which he has deprived them: Tell him that the English manners are abhorrent of every species of inhumanity and oppression, and enjoin the gentlest treatment of a vanquished enemy; require and intreat his observance of this principle towards the family of Hâfiz; tell him my instructions to you generally but urgently enforce the same maxim; and that there is no part of his conduct will operate so powerfully in winning the affections of the English, as instances of benevolence and feeling for others. If these arguments do not prevail, you may inform him directly, that you have my orders to insist on a proper treatment of the family of Hâfiz Rahmut, since in our alliance with him the reputation of our national character is involved in every act which subjects his own to reproach; that I shall publicly exculpate this government from the imputation of assenting to such a procedure, and I shall reserve it as an objection to any future engagements with him, when the present service shall have been accomplished."

XVIIIth. *That I disobeyed a Standing Order of the Court of Directors, 1st. by not producing all my Correspondence with Mr. Middleton, the Resident at Oude, and with Colonel Champion, the Commander in Chief of the Army employed in the Rohilla War, to the Secret Committee; and, 2dly, by refusing to produce the same to the Majority of the Council.*

This



This charge contains its own refutation in the terms of it; for the Company's orders of the 23d of March, 1770, which relate expressly to letters written in correspondence with the Country Powers, have no relation to my correspondence with Mr. Middleton and Colonel Champion: nor their instructions, dated the 30th of March, 1774, either to that correspondence, or to any other which had passed antecedent to the receipt of them.

*XIXth. That I arrogated to myself dangerous Powers, by asserting that Mr. Middleton, the Public Resident at Oude, was my Official Agent, and that, being such, I was not obliged to communicate his Correspondence.*

I do not know whether to admit or deny this allegation; for though I comprehend it in its direct construction, I cannot draw any inference from it which can serve for the ground of an impeachment, or even of censure. But it alludes to my Minute, dated the 26th October, 1773, N<sup>o</sup> 45 of the Appendix of the 5th Report of the Secret Committee, every syllable of which I know; and unless a new institute of morality shall be invented, for the purpose of proving me an offender against it, I deny that it contains a sentiment or expression which is not consistent with the most rigid principles of obedience, integrity, faith, and honour.

*XXth. That the Court of Directors, and afterwards the General Court of Proprietors, did unanimously condemn (along with my conduct relative to the Rohilla Treaty and War) my refusal to communicate my whole correspondence with Mr. Middleton to the Council; yet that I have never yet communicated the whole of my correspondence either to the Governor General and Council or to the Court of Directors.*

Neither my respect for the Court of Directors, nor my gratitude and devoted attachment to the Court of Proprietors, shall restrain me from saying, that the first were partial Judges, and that the last were incompetent, as wanting the means of information. The latter part of this article is true; namely, that I have never yet communicated the whole of my correspondence either to the Governor General and Council, or to the Court of Directors: But it is equally true, that the Court of Directors have never demanded it of me; and that I have uniformly opposed the right of the Council to exact it, which should be first established before the refusal to them can be made a crime. However, the whole of this charge I should presume cannot properly come under the discussion of this Honourable House, for in the very terms of it it is stated, that my conduct was enquired into both by the Directors and Proprietors, my legal and ultimate judges, who both passed their censure upon it; and in that censure I received my punishment.

Having now finished my examination of the charge in my reply to the material points which compose it, I shall proceed to recite the particulars of the transaction to which they all bear a common relation, viz. the origin, design, progress, conclusion, and effects of the Rohilla War:

In May, 1771, the King quitted Illahabad, and threw himself into the arms of the Mahrattas. In a few months afterwards he granted them sunnuds, or charters, for the Provinces of Corah, Currah, and Illahabad, or the lands immediately situated above the conflux of the rivers Ganges and Jumma, which we had before given to him. In January, 1772, General Sir Robert Barker met the Nabob Sujah Dowlah, at Fyzabad, who proposed various plans to counteract the ambitious designs of the Mahrattas, who were then preparing to invade Rohilkund. The General, by his own authority, ordered a battalion of Sepoys for the defence of the lines at Cawnpoor. The Governor (Mr. Cartier) and the Select Committee, on the 12th of February, 1772, approved of the General's conduct, and authorised him to enter into negotiations on the part of the Company in support of the Nabob's views.

On the 28th of January, 1772, the General wrote to the Select Committee, that the Nabob wished to protect the Rohillas, and to treat with them, "which could not be done, he said, without the consent of the English;" for their letters "were written to him in a style as if he was one and the same as the English; and he doubted that, without such a concurrence, they meant to do nothing with him alone."

The dangerous consequences portended from these alarming symptoms are strongly described in the following extract from a letter of the General to the Select Committee, dated the 25th of February, 1772.



" I should imagine that if the Mahrattas succeed in their attempts of crossing the river, and  
 " make a rapid progress through the Rohilla country towards the Vizier's territories, as they have  
 " already given out that they intend cantoning at Lucknow, you will judge it necessary to ad-  
 " vance a brigade nearer to his Excellency's dominions; for in this case the approach of the  
 " Mahrattas will be very quick."

On the 28th of February the General wrote that the Mahrattas had made good their passage of the river, and given a total defeat to the Rohillas posted at the fords to oppose them; that he had therefore ordered the Brigade at Dinapore to march immediately towards the Vizier's dominions, excusing his taking such a step without the authority of the Board, by " the exigency of the service."

In this part of the 5th report of the Secret Committee, from which I draw this recital, I miss the reply which was written to Sir Robert Barker's letter, but I recollect that the Committee disapproved of the march of the brigade, and countermanded it.

On the 9th of April the General wrote that " the Mahrattas had applied to the Nabob Sujah Dowlah to be the mediator of their differences with the Rohillas, to which he was much inclined," and " was not to be diverted from this scheme," though the General had strenuously opposed it, and pressed him " rather to form an alliance with the Rohillas;" the Nabob insisting that he had no choice; for he must either join the Mahrattas in the total reduction of the Rohillas, or bring on a compromise between those powers; for the alternative was an attack on his dominions after the reduction of the Rohillas," unless (for so the sense follows in the construction) " the English forces would join to support him in the undertaking" preferably recommended by the General; and that " he had therefore sent Captain Gabriel Harper to Hafiz Rahmut, and would do his endeavours to procrastinate this treaty until he received the Committee's instructions."

On the 13th of April, 1772, I succeeded to the office of President of the Council of Fort William; and from that day only I date my share of responsibility in the acts of the government of Bengal.

On the 30th of the same month, the Select Committee for the first time entered into a consideration of the General's repeated references; and the sentiments recorded by them on that occasion most decidedly mark *their*—may I be allowed to change the person, and say "*my*"—strenuous adherence to the cautious and defensive system enjoined by the Company.

We approved the General's " endeavours to dissuade the Vizier from entering into any negotiations which might lead to an alliance with the Mahrattas; since we might by this means be precluded from taking such measures as the Company's exact orders might render necessary. But we could not approve of a promise being made to him of the junction of our forces in the prosecution of an offensive war; the more especially, as the Court of Directors, in their letters by the Lapwing, had promised to furnish us with clear and precise instructions respecting our carrying on hostilities against the Mahrattas at a distance from our own borders; which," we added, " might be soon expected," but which never came. We expressed some uneasiness at Captain Harper's deputation, and desired that he might be recalled as soon as he conveniently could be, as we did not chuse to " appear as principals in these negotiations." In the mean time, the measures pursued by Sir Robert Barker had taken their course; and while I disavow any concern in them, I may add, that they proved fortunate in their event. Captain Harper returned on the 21st of May, after having prevailed on Hafiz Rahmut to agree to a personal meeting with the Vizier; the consequence of which was, that on the 17th of June a treaty of alliance was concluded and reciprocally interchanged between the Rohilla Chiefs and the Nabob Sujah Dowlah; and a separate agreement on the part of the Rohillas, to pay 40 lacks of rupees to the Nabob Vizier for the expulsion of the Mahrattas, " whether effected by peace or war;" ten lacks to be paid on the immediate effect of his march, " enabling the families of the Rohillas to leave the woods, and return to their habitations;" the rest in three years.

Both deeds were executed in the presence of General Sir Robert Barker, and his signature affixed to both as a witness to them. But the same act made him the Guarantee of both; and virtually, by his representation, extended the same obligation to the Company; for it has been shewn, that he was the instrument of the negotiation, and that the Rohillas themselves had refused to treat with the Nabob alone, that is, without the junction of the English name and faith with his.

Thus it appears, that by a regular and natural gradation of events, the Government of Bengal found itself entangled in the first movements of a war which it had sought to avoid, but which  
 was



was in its principle and object defensive; and though extending beyond the line of its prescribed operations, had been recently marked out as an exception to it by the Court of Directors, in their general letter of the 28th of August, 1771, which is that to which the Select Committee alluded in their instructions to General Sir Robert Barker of the 30th of April; and that whether the measures which led to this crisis of affairs were right or wrong, or whether the events which produced it might or ought to have been diverted into another direction, I myself have no concern in either question. The movements of the machine (if I may be allowed the figure) had received their first impulse from other hands, before the charge of it could be affirmed in any sense to have devolved to mine, and were independent of me. In this state, progress, and direction, I received the share allotted to me in its management; and to these, even in the subsequent conduct of it, my judgment was necessarily compelled to bend itself, whether I approved of the past, or disapproved it.

I entreat the permission of this Honourable House to proceed in my narrative in the words of my letter, written on the same subject, and for a similar purpose, to the Court of Directors, on the 3d of December, 1774. Some claim I may be allowed to an indulgence of time for my reply to the other multiplied and voluminous charges existing against me; the laboured production of years requiring days for their refutation: I shall hereby avoid the delays of reference and compilation, and can with confidence offer this recital as genuine, since it was written with the fresh impression of the facts and events which appertain to it; and with it I shall close my defence against the first charge exhibited against me.

“ EXTRACT of a Letter to the Court of Directors, dated 3d December, 1773.

In the beginning of the year 1772, the Mahrattas invaded the country of the Rohillas, which, after a short but ineffectual opposition at Sukkertol, was left at large, exposed to their ravages. The Vizier, alarmed at their approach to the only part of his dominions which was easily accessible by such an enemy, applied with such earnestness to Sir Robert Barker, who was at that time with him, for the assistance of an English force, and the General thought the necessity so urgent, that of his own authority he sent orders to the first brigade, which was stationed at Dinapore, to march instantly into the Province of Owde. The Board disapproving this irregular proceeding, refused their confirmation of it, and the brigade having reached the length of Benares, remained there till the beginning of June, and then returned to its former station. The Vizier availing himself of this movement, offered his protection to the Rohillas, and entered into a general treaty of alliance with the Chiefs of that nation, and a separate one with Hafiz Rahmut Cawn, their principal, who in their name, and with their authority, engaged to pay him 40 lacks of rupees for that support, whenever the Mahrattas evacuated the country: translations of both treaties are recorded at length in the consultation of the 23d July, 1772; and the original of the latter is in the actual possession of the Secretary, attested by General Barker, who was present at the ratification of both.

On the approach of the rainy season the Mahrattas evacuated the country, and the Vizier demanded the stipulated recompence from the Rohillas, but they evaded the payment.

In the latter end of 1772, the Mahrattas having extorted from the King a grant of the districts of Corah and Currah, which had been ceded to him by the Company for the express purpose of maintaining his dignity, were preparing to take possession; and as this acquisition would have made them masters of the whole tract of country lying between the rivers Ganges and Jumna, and bordering upon the Province of Owde, the Vizier again applied for assistance to repel such dangerous neighbours.

The proceedings of the late Council, in their secret department of the 1st February, 1773, treat this subject very largely, and shew how much they considered not only the safety of the Vizier, but even of the Company's possessions, to be endangered by this formidable encroachment of the Mahratta State. It was ultimately concluded, to comply with the requisition of the Vizier, by sending the first brigade for the protection of his dominions against any attempt which the Mahrattas might make on them; and also determined to prevent their design on Corah, by taking prior possession for the Company, who had certainly the best title to it when the King could no longer keep it. It was not to be supposed that the Mahrattas would quietly submit to the loss of a territory, which they had used the most perfidious means to obtain; and every precaution was therefore necessary, to guard against their efforts to recover it.

The Company's orders of 28th of August, 1771, expressly allowed the necessity of departing on some occasions from the limited plan which they had for a long time past enjoined; and in consequence, the Rohilla country, North of the Ganges, was included within the line of action prescribed



prescribed to the General in his instructions; because if the Mahrattas, either by the defeat, or, which was as likely to happen, by the desertion of the Rohillas to their cause, should gain a footing in that country, nothing could oppose their entering into the Province of Owde, and laying it waste, in spite of any attempt of our forces, united with the Vizier's, to prevent them; the map which accompanies this will demonstrate this truth more powerfully than any verbal argument.

It was not to be supposed, that the Mahrattas, whose ambition for some years past had aspired to universal conquest, and who had extended their arms from the Centre of the Balaghaut to the Northern extremity of Indostan, should sit down contented when they had added the Douab, Corah, and Allahabad to their dominions; on the contrary, there was every reason to apprehend, and it was publicly reported in their own camp, that they would next carry their operations into the country of the Vizier, and even into the Company's own possessions.

On the grounds which I have described, it was agreed to maintain the Province of Corah against the Mahrattas, and afterwards to extend our arms beyond the prescribed line of the dominions of our Ally into the Rohilla country, by a discretionary latitude allowed the General as above-mentioned, which he accordingly made use of, by marching the brigade as far as Ramgaut; and we have the strongest reasons to believe, that it was attended with every immediate advantage which we had projected from such a measure, as the Mahrattas lay during the whole campaign of 1773, in the neighbourhood of our army, but without daring either to cross the river, or to approach the borders of Corah; and before the setting-in of the rains of that year their domestic troubles obliged them to return to their own proper dominions.

Of the resolution to enter the Rohilla country for its defence against the Mahrattas the Court of Directors were first advised in the general letter by the of the 31<sup>st</sup> March, 1773, which arrived in England long before the departure of the transports. The effectual protection then afforded the Rohillas, and the departure of the Mahrattas having established beyond all contest the right of the Vizier to the 40 lacks, which had been stipulated for this important service, and which, by the terms of the engagement, were really due the preceding year, on the retreat of the Mahrattas from their country, he demanded payment of Hafiz Rahmut Cawn, who refused it. The Vizier also accused him of having secretly encouraged the Mahrattas, and sent them a supply of money; and, if I mistake not, General Sir Robert Barker, in some of his letters, mentions the same circumstance. The plea of justice thus coinciding with the principles of sound policy, which dictated to the Vizier the necessity of securing himself against the intrigues and perfidy of the Rohillas, who from their situation were most capable of hurting him in his contests with more powerful enemies, and from their natural weakness, and the jealousy inseparable from it, would ever seek for their safety in fomenting or joining in attempts against him, he formed the design of invading and reducing their country: As his own strength was unequal to such an undertaking, he solicited the aid of this Government for effecting it, and made an offer of 50 lacks of rupees to be paid on its accomplishment. As this proposal was urged in the warmest terms, both in person to Sir Robert Barker, and in his letter to me, and this had long been a favourite project of the Vizier, the Board judged, with me, that it might afford a fair occasion to urge the improvement of our alliance, by obtaining his assent to a more equitable compensation for the expence attending the aid which he occasionally received from our forces, and to free the Company from the embarrassment to which they might be subjected, by retaining the property and possession of the remote districts of Corah and Allahabad. For this purpose, it was agreed that I should write the following letter to the Vizier, which I beg leave to quote at large, because it fixes the source of those engagements, which took place by a progressive train of measures, and terminated in the Rohilla war; and will mark at least, that this was not the effect either of a precipitate and unweighed resolution, or a tame acquiescence in the Vizier's schemes of ambition, but the result of long deliberation, originally devised, and consistently employed as an instrument of promoting the interest of the Company, of perpetuating the dependence of their Ally, and converting it to a channel of utility.

Fort William, 21<sup>st</sup> of April, 1773.

“ I have received your Excellency's letter, mentioning the particulars of your operations  
 “ against the Mahrattas. You promise to the General, that whenever the Mahrattas should be  
 “ driven out of the Rohilla country, and Hafiz Rahmut Cawn shall fulfil his agreement of  
 “ 40 lacks of rupees, you will give half that sum to the Company; and that, should the Ro-  
 “ hilla Chiefs be guilty of a breach of their agreement, and we will thoroughly exterminate  
 “ them, and settle your Excellency in the country, you will in that case pay the Company  
 fifty



“ fifty lacks of rupees, in ready money, and exempt them from the King’s tribute. Upon  
 “ the same subject the General has written to me fully. Every circumstance which you have  
 “ written to me I consider as a proof of the cordial attachment which subsists between us, and  
 “ of the confidence and reliance which you place in the friendship of the English Company; but  
 “ the points which you have proposed require much consideration, and the previous ratification  
 “ of a formal agreement, before I can assent to them; otherwise I might incur the displeasure  
 “ of my employers.

“ It is true that I have long thought that the union of the Rohilla country with yours, either  
 “ by sure and permanent obligation of friendship, or by reducing it to obedience, if they should  
 “ render such an attempt justifiable by any act of enmity or treachery, would be an advisable  
 “ point for you to attain; because by that means the defensive line of your dominions would  
 “ be completed, by including within it all the land lying on that side of the river Ganges, and  
 “ you would be in no danger from an attack on that quarter, whenever the Mahrattas should  
 “ commit disturbances in another. But it appears to me that this is an object not to be at-  
 “ tained by an occasional view of that country; and its distance from the Provinces of Bengal  
 “ will not admit of the continuance of the English forces longer than the period which remains  
 “ of dry weather.

“ You will please to remember they were sent for your assistance, and to defend the Province  
 “ of Corah against the Mahrattas. Thus far only am I authorized, by the commands of my  
 “ superiors, to employ them beyond the limits of their own possessions; and even this is the  
 “ cause of an heavy loss and risk to their affairs, especially in the expences of their troops and  
 “ stores, and in the absence of so great a part of their force, which was originally destined  
 “ for the sole defence of the countries dependant on Bengal.

“ You have frequently repeated in your letters the remarks, that to wait till the enemy was  
 “ at your door, and then to write for the assistance of our forces, would answer no good pur-  
 “ pose; but that every year the same cause would require their return to the same service, and  
 “ pass without effecting any purpose of real advantage. My friend, all this is true; but it  
 “ proceeds from the want of proper measures having been previously taken, and from the  
 “ imperfect footing on which affairs between us have been established. The concern which  
 “ the Company take in your safety, and the duties of friendship which their commands and  
 “ our own inclinations equally enjoin us to observe inviolably to our allies, and especially to  
 “ one so closely united by an approved attachment to them, would not suffer us to withhold  
 “ our aid when your affairs require it; but it has always been with reluctance that we have  
 “ suffered the army to pass the frontiers of our own country, because the loss and inconveni-  
 “ ence attending it was certain; and although, joined with your forces, there is no cause to  
 “ fear the most powerful efforts of our enemies, yet the events of war are at the disposal of  
 “ the Almighty; and the only fruits which the most splendid successes can afford us are, the  
 “ reputation of having maintained the faith of our alliance, in opposition to every incentive  
 “ of self-interest and self-defence. Thus circumstanced, we are precluded from deriving any  
 “ benefit from your support; and ours can only afford you a relief from present danger,  
 “ without any provision of future security. For these reasons, I have often wished for a per-  
 “ sonal interview with you, for the purpose of removing difficulties, and perpetuating the  
 “ alliance with your Excellency, on terms more suitable to our mutual interests. Your  
 “ Excellency also hath repeatedly expressed the same inclination: I therefore write, that if your  
 “ affairs will at this season admit of your giving me a meeting, I will hasten to obtain it as  
 “ soon as I am able, after the receipt of your letter in reply to this; if otherwise, I must wait  
 “ for it at some more distant period, as the affairs of this Government will indispensably  
 “ require my presence at this place after three or four months, and it is uncertain when I shall  
 “ again have an interval of leisure for such a journey. In the mean time, your Excellency  
 “ and the General are at a great distance from the Province of Corah, and the affairs of that  
 “ Province require the presence of a person on the behalf of the Company, to regulate and  
 “ take charge of it, until it shall be hereafter determined in what manner it shall be finally  
 “ disposed of. I have judged it advisable to depute Mr. James Lawrell, a gentleman of the  
 “ Council of Calcutta, on this service, and he will set out accordingly in a few days, which I  
 “ hope you will approve.”

The allurements thus held out to the Vizier succeeded. He proposed, in reply, a meeting  
 with me at Benares, which took place accordingly. I found him still equally bent on the  
 design of reducing the Rohillas, which I encouraged, as I had before done, by dwelling on the  
 advantages which he would derive from its success; but objecting with great force the orders  
 of the Company, restricting us from such remote schemes of conquest; to which I therefore  
 could not assent, without such conditions obtained in return for it as might obviate their dis-  
 pleasure,



pleasure, and win their sanction to so hazardous and unauthorized a measure. I fear not to quote these expressions, addressing myself to fair and unbiassed judges, who will not infer my real sentiments from the style and arguments of a political negotiation.

I told him that the Company had drawn themselves into great distress by the enormous load of their military expences, one entire brigade being kept up for the sole purpose of maintaining a connexion with him, since it was useless and unnecessary to the protection of our own Provinces. That if he wished therefore to avail himself of our aid, either in preventing, or even in repelling the designs of his enemies, he must first agree to bear a more equal share of the burden of this expence, by paying the whole charge of the forces lent him for this service, while they were so employed: to this, after much contention, he assented; and the sum of 210,000 rupees, which the General computed to be the amount of the expence, was fixed as the monthly subsidy to be paid for the brigade, whenever it should pass the borders of the Province of Bahar, on his requisition. Having obtained this point, which I considered in the light of a perpetual military fund, I easily yielded my assent to the Rohilla plan, on the stipulation of 40 lacks for its accomplishment: 10 lacks being deducted from his first offer, on account of the difference which had taken place in the subsidy.

This agreement was no sooner made than he suddenly repented, desired to decline the war with the Rohillas till a more favourable conjuncture, when he should be less embarrassed by other engagements; agreeing, however, to the monthly subsidy, whenever his future occasions should oblige him to require the aid of our forces. Thus the Rohilla plan remained rather suspended than wholly abandoned, although it was left optional in our Government to reject or assent to it on a future occasion. Messrs. Lawrell and Vansittart, who were with me at the time, and to whom I made a daily communication, in writing, of the substance of every conversation which passed between the Vizier and myself, will vouch for the literal truth of this narrative, as corresponding with what I then repeated to them; and I believe it will appear from it, that although I had not engaged the Government, by any express obligation, to comply with any future application of the Vizier to support his pretension on the Rohillas, yet, as the most essential article of the treaty had originated from this design, and had been yielded to in consideration of my agreement to engage in it, it would have been dishonourable to decline the undertaking, when proposed under circumstances as favourable to its success, and the general interests of the Company, as they were when I first offered to engage in it. Soon after my return to Calcutta, the Vizier renewed the proposal for invading the Rohillas; and repeated his desire of engaging in it on the conditions before agreed upon. A variety of arguments concurred to favour it at this particular time, none to oppose it. The Mahrattas were so much occupied by their own dissensions, that they could not even defend their possessions in the Douâb, much less were they likely to interrupt our operations against the Rohillas: the King had no means of interference but by his General, Nudjiff Cawn, for whose attachment we had stronger security in his interest, and in his fear of his rival, Abdul Ahed Cawn, than his master had in his allegiance. The Rohillas were too weak to resist so powerful an attack; and as their country was open and undefended, either by defiles, woods, or fortresses, and in its greatest extent did not exceed 200 miles; its entire subjection did not require any length of time.

To these inducements, which apply only to the success of the undertaking, other motives, equally powerful, engaged our attention to it, as a measure necessary to the interest and safety of the Company.

All our advices, both public and private, represented the distresses of the Company at home as extreme.

The letters from the Court of Directors called upon us most loudly for ample remittances, and a reduction of our military expences. At the same time, such was the state of affairs in this Government, that for many years past the income of the year was found inadequate to its expence; to defray which, a heavy bond debt, amounting at one time to an hundred and twenty-five lacks of rupees, had accumulated. The Board had bestowed much labour and time in the retrenchment of their expences, but much remained yet to be done; and the regulations which they had already formed, required time to produce any visible effect.

By allowing the Vizier the military aid which he required, a saving of near one third of our military expences would be effected during the period of such a service; the stipulation of forty lacks would afford an ample supply to our treasury, and to the currency of the country; the Vizier would be freed from a troublesome neighbourhood, and his dominions would be made more defensible, while his alliance with the Company subsisted, by being completely shut in  
-between



between the river Ganges and the mountains; and his dependence on the Company would be encreased by that extension of his possessions, as he himself was incapable of defending even his ancient possessions, without our support.

For a more ample discussion of these arguments, I beg leave to refer to the Consultation in the Secret Department of the 26th of November, 1773; in which it was concluded, after a long debate, to consent to the Vizier's requisition. As a precaution against any effects which were to be apprehended from the Vizier's irresolution, the conditions originally accepted for this engagement were dictated to him in the form of a letter to be written by him, in which a clause was inserted, that whether the country was conquered, or a peace concluded between him and the enemy, the stipulation for the payment of forty lacks should become equally due.

Of this engagement I shall speak more hereafter.

On the 24th of February, 1774, the second brigade arrived within the territory of the Vizier.—On the 17th April, the united forces entered the borders of the Rohilla dominions; and, on the 23d of the same month, engaged and defeated the Rohillas, with the death of their leader, Hafiz Rahmat Cawn. From that period the conquest of that country may be dated, no material opposition having been since made.

On the 6th of October, the war was finally concluded by the treaty with Fyzoola Cawn. Fifteen lacks of rupees, which he engaged to pay the Vizier in ready money, were to be immediately appropriated to the payment of part of the stipulation of forty lacks due from the Vizier to the Company; and we are informed, that the Vizier has returned with expedition to Fyzabad, for the express purpose of discharging the remainder.

The subsidy had been punctually paid to the end of September, by the last advices received on that subject from Colonel Champion, dated 24th October.

I now proceed to answer the objections which have been urged against the propriety of this undertaking. These may be reduced to the following heads:

- 1st. That it was contrary to the express, peremptory, and repeated orders of the Company.
- 2d. That it was contrary to the repeated declarations and promises of the Board.
- 3d. That it was unjust.
- 4th. That it exposed the Company to the hazard of an indefinite or endless war.
- 5th. That it might have involved the Company in a war with the Mahrattas, and may still draw on us their future resentment.
- 6th. That by the removal of a third part of the whole military establishment to so great a distance, our own Provinces were exposed to danger.
- 7th. That by aggrandizing the Vizier, it might render him a dangerous neighbour, and deprive the Company of the benefits of his alliance.
- 8th. That it was resolved on precipitately without a formal treaty, the conditions of it appearing only in a letter from the Vizier, where they are loosely expressed, and liable to evasion.
- 9th. That the condition which the Vizier expresses, that the brigade should never depart without his permission, was an instance of arrogance in him, and of an unbecoming submission in the late administration, and might prove the cause of their being detained for ever.

In the above articles I have not confined myself to the public records, but have endeavoured to collect the substance of all I have seen or heard upon this side of the argument, and have chosen to clothe it in my own language; that which I have found prepared for me not being in every instance such as I allow myself to use, even in retaliation of personal injury, much less in application to measures which immediately regard myself.



I shall reply separately to each.

First. I have read over with great attention all the letters which have been received from the Honourable Court of Directors since the year 1769, and long ago abstracted all the paragraphs written within that period upon the subject of the Company's political concerns, those having been given me for my special guidance in my negotiations with the Vizier the last year at Benares.

I find nothing contained in any of these which expressly applies to the case in question. I meet with injunctions to avoid new connections.

“ To endeavour to keep peace in Bengal, and with the neighbouring powers, and to confine our views to the security and tranquillity of Bengal ; not to acquire further possessions, but to advert to the good management of those which we have ; to incline to those few Chiefs of Indostan, who are in a condition to struggle with the Mahrattas ; to defend the King's person, and the districts of Corah and Allahabad, which is mentioned as an exception to their limited plan ; to make known to the powers of India, that it is by no means the intention of the Company to encroach upon their neighbours, or to acquire an extension of dominion by conquest : That they regard with a jealous eye the encreasing power of the Mahrattas ; and that it would be bad policy to take part in any operations, which might weaken the few remaining Chiefs, who are in a condition to oppose their encroachments.”

But the following extracts are so pointedly apposite to the subject, that I shall take the liberty to quote them at large.

“ It is with the most serious concern we learn from your late advices, that the incursions of the Mahrattas had spread such a terror and despondence into the minds of those powers which were the remoter barrier of our possessions, that the irresolution and timidity of the most potent of them have given rise to such successes, as have encouraged the Mahrattas to invade the dominions of the King, and lay claim to part of the territory of Sujah ul Dowlah.

“ But the conduct of the Rohillas and Jauts is rather a matter of concern than surprize to us, as the King and Sujah ul Dowlah neglected that occasion to unite with those powers effectually to repel the common disturbers of the empire, and confine them within the limits of their former possessions.

“ To whatever causes this general timidity or supineness may have been owing, we find ourselves equally affected, and the tranquillity of the Provinces endangered thereby ; but as the projects of the King, or the conduct of the Vizier, are at present too mysterious for us to decide on the motives of their inactivity, and as we know not what alliances may be formed to justify us in carrying our arms beyond the bounds of their dominions, we are prevented from proposing any precise plan for your guidance in this respect ; but should your subsequent advices enable us to form a more certain judgment of the expediency of departing from the plan we have laid down, we shall communicate to you, by some early conveyance, how far we may be disposed to carry our arms beyond the bounds of the Provinces, or the territories of our allies, and become the parties in an offensive war.

“ In the mean time, we trust your sole objects will be the security of our possessions, and those of the powers with whom we are connected both by treaty and interest ; and as this appears to have been the guide of your conduct upon the Mahrattas invading the Province of Corah, we with pleasure approve the measures you have taken for defending the dominions of the King and Vizier from their inroads and depredations ; more especially, as those measures are not only justified by necessity, but are within the line which we have prescribed for your conduct in such a conjuncture.”

“ The line of neutrality is still recommended, but the Board are authorized to depart from it whenever the interests of the Company shall be endangered, or materially require it.”

The directions promised us in the letter of the 28th of August, 1771, have never yet been sent us, nor have we since received any further lights to guide us on this important subject, which I presume to place to the account of the troubles which have embarrassed the Company at home.

From



From the above quotations, and the consistency which strongly marks all the orders on this subject, I apprehend it will clearly appear, that the principle primarily insisted upon by the Honourable Court of Directors, respecting their political and military operations, was to avoid the extension of territory, and this we have never attempted.

The prohibition of military expeditions, undertaken beyond the prescribed bounds of their own Provinces, and those of their allies, on prudential and cautionary motives, or other causes, independent of territorial acquisitions, is only to be inferred from the tenor and tendency of their reasonings on the former subject.

It is evident, that it was not from inattention that their orders never expressed a prohibition of this kind, but that they rather avoided it from a conviction that it might be sometimes necessary, and because it would have been difficult to mark the limitations of it.

This conclusion I draw, not only from the two last paragraphs of their orders, which I have quoted at length, and which were dictated by the experience of past advices, and a more intimate consideration of the subject, but even from their orders so far back as the 30th of June, 1769; in which, having declared against an extension of possessions, in the first paragraph, they add in the third their "opinion, that the most prudent step they could pursue, and the "most likely to be attended with a permanent security to the Provinces, would be to *incline* "to those Chiefs of Indostan who yet preserve an independence of the Mahratta power, and "are in a condition to struggle with them."

But in the two last of the above quotations there is no occasion of logical surmises to discover the intentions of the Honourable Court of Directors; they tell us plainly, that it is their wish "to confine their views to the security of their own possessions, and those of their "allies; but that they foresee the necessity, in certain cases, of carrying their arms beyond "those bounds, and of becoming parties in an offensive war;" and they promise us an early communication of their instructions with regard to the lengths to which they will allow this doctrine to be extended. In their letter to the Presidency of Fort St. George, they authorize them, in express terms, "to observe no longer the neutrality so heartily wished for by them, "in case they should judge it necessary for their interests to depart from it." And it is not to be supposed that the Court of Directors would recommend one line of conduct for their Government of Fort St. George, and an opposite one for Bengal; much less that they would admit of such a deviation from their former pacific plan on merely political motives, attended with an heavy expence, and yet prohibit it under circumstances which, in addition to the same motives, have every consideration of economy to recommend it, with the prospect of an increase to their finances, at a time when their distresses, both at home and abroad, so urgently required such an increase, and their most peremptory commands (as I have already observed) rendered it the first object of our attention.

I presume to affirm, both for myself and the other Members of the late Council, that no period in the Company's annals has been more evidently characterized by an exact submission to their commands, than that in which I have had the honour to preside in the administration; and for the truth of this I dare appeal to the Honourable Court of Directors. But in cases to which their commands do not specially apply, to adopt such measures as at the same time approach nearest to the spirit of their General Instructions, and tend most to the advancement of their interests, is the fairest test both of our obedience and fidelity.

We might have suffered the Mahrattas, under cover of the King's grant, to take possession of Corah and Allahabad, to have allied themselves to the Rohillas, or established themselves in that territory, and lain with their armies unmolested on the borders of the open country of our ally, the Vizier, till they had completed every preparation for invading it. Such a forbearance might perhaps have been vindicated by the plea, that the Company had promised, at the distance of two years preceding it, to furnish us with their instructions for a different conduct; and that, wanting those instructions, we took for our rule their latest orders on the subject, which enjoined us to confine our views to the bare security of our own possessions, and those of our allies. This might have been a sure way to guard our characters against legal imputation, although in fact it would have been inconsistent with the security required. But it is not by such cold and prudential cautions that the British name has acquired such a lustre in India, nor that the British empire in Bengal is likely to be perpetuated; neither is this the conduct which the Company demands of us; their orders are informed by a more liberal spirit, and allow, in such cases as are not reducible to fixt and invariable positions, a discretionary latitude for the zeal of their servants to exert itself for their security. I cannot better illustrate this, than by the following Extract of their General Letter, dated the 30th of June, 1769, paragraph 5.



“We esteem ourselves bound by treaty to protect the King’s person, and to secure him the possession of the Corah and Allahabad districts. When we wrote, the 11th of November, 1768, we apprehended the consequences of keeping the brigade at Allahabad would be creating in Sujah Dowlah a jealousy that would involve us in fresh troubles, having at that time no cause to esteem him an enemy; but, impressed as you were with an opinion of his hostile intentions and growing strength, at the time of the dispatch of the Valentine, we shall not blame your caution for deferring the execution of our orders for its removal; nor shall we at this time attempt to give positive directions for your conduct, which in such critical cases ought seldom to be done, and in which the situation of affairs may be varied by unforeseen events, at the very moment we are writing: but having given you, with as much precision as possible, a general view of the system by which we wish to have our affairs regulated, we must leave it to you to improve, to the utmost of your power, every opportunity of drawing towards that point; and whenever you think yourselves obliged, for our security, upon emergent occasions, to adopt measures of a contrary tendency, you are to give us very full reasons for such a deviation, and endeavour to return to the path we have marked out as soon as circumstances will admit.”

2d. The second objection is partly true. The Board have repeatedly declared, in their General Letters to the Court of Directors, their intentions to adhere to the defensive plan recommended to them, and to confine their military operations within the limits of the Vizier’s territories, and such were their determinations when those letters were written; but, at those times, they had not fully experienced the inconveniencies which attended our engagements with the Vizier in the prosecution of that system, nor had the remedy occurred which since presented itself, in the conditions offered for prosecuting the Rohilla enterprize, and which has been successfully applied. Our treaty of alliance obliged us to support the Vizier, when his possessions were threatened with invasion, at an heavy increased military expence, and the exportation of our currency with our troops. For three successive years these inconveniencies had recurred, and it was impossible to say how often they might recur. At last an occasion took place, when, by a slight deviation from the defensive plan, our alliance with the Vizier might be converted into solid advantages; the employment of our troops made to save near a third part of our military expences, and the success of their operations, to bring a large flow of currency, not only into the Company’s territories, but into their treasury; in effect, the very same reasons which before urged us to shun every military expedition, namely, the expence attending it, and the exportation of our currency, now operated in the contrary direction, and recommended the employment of our army for the purposes of reducing our expences, and adding to our currency.

The preceding argument respects only the general subject of foreign expeditions. It has been urged also, as an argument against the particular case in question, that the Board, when they adopted the measure of the Rohilla war, were themselves convinced of the impropriety of it, from the declaration made by them repeatedly, in their letters to the Court of Directors, of their wish and hope that it might not take place.

Upon this I beg leave to offer the following reflections:

A consistency of measures is difficult to be preserved among a body of men, because an accidental majority may occasionally decide for contrary resolutions; yet such a case has never happened, at our Board. A consistency of opinions is not to be expected: The proposition for the Rohilla war, after having passed the Select Committee, was debated for three successive days in Council, in which the Board met, as I recollect, both morning and evening to discuss it; no two Members agreed exactly in opinion, and it was difficult to reconcile them; at last they came to a final agreement, to leave it to me to accommodate my own as nearly as I could to the collective sense of the whole; which was done with much management, and the proposition was agreed to in the manner in which it stands in consultation, 26th November, 1773.

My sentiments were the same invariably from the beginning, as will be seen from my report to the Board of my proceedings at Benares, and my Minute entered in the consultation above referred to. Private letters are not commonly admissible as authorities; but on this occasion I cannot produce a stronger, both of my own fixed opinion from the first movement of this proposition, and of the apprehension which influenced the Board, and, I confess myself also against it, than in the following extract of a letter which I wrote to a gentleman in the Direction by the first dispatch after my return from Benares:—“I was glad to be freed from the Rohilla expedition, because I was doubtful of the judgment which would have been passed upon it at home, where I see too much stress laid upon general maxims, and too little attention given to the circumstances which require an exception to be made from them. Besides this, an opinion still prevails of the Vizier’s great power, and his treacherous designs against us; and I cannot expect that my word should be taken as a proof of their non-existence: On  
“ the



“ the other hand, the absence of the Mahrattas, and the weak state of the Rohillas, promised  
 “ an easy conquest of them ; and I own, that such was my idea of the Company’s distress at  
 “ home, added to my knowledge of their wants abroad, that I should have been glad of any  
 “ occasion to employ their forces, which saves so much of their pay and expences.”

When the measure was determined upon, and we had come to a general agreement, I was averse to introduce any new subject of debate, and therefore easily acquiesced in the expression of a wish entertained by the Board, which might be construed as inconsistent with the resolution we had taken. My sentiments of the propriety of the expedition had undergone no change ; but I will not deny, that I felt myself influenced by the same fears which operated in the other Members of the Council, that the propriety of the measure might not be seen in the same light by our constituents ; which we knew, from the temper of the times, might not only draw upon us their severe resentment, but aggravate the load of popular odium which has of late fallen on their servants ; and, if I mistake not, these reasons are assigned in express terms upon our proceedings.

3d. The engagements between the Vizier and the Rohillas, which have been already quoted, sufficiently evince the justice of the attack upon them. They agreed to make him an acknowledgment of forty lacks of rupees upon certain conditions—he performed those conditions ; and they refused payment of the money they had promised.

4th. No political transaction can be mathematically demonstrated to be totally free from danger. The probable advantages must be weighed against the probable disadvantages : When the present measure was undertaken, there was every reason to expect that it would be speedily brought to an happy conclusion ; and the event has proved that our expectations were well grounded.

5th. The Mahrattas did not possess, nor had any claim upon any part of the Rohilla country on the North of the Ganges, when we undertook to assist the Vizier in the conquest of it. They might with much more reason have attacked us for opposing them in their designs on the Corah districts, of which they had obtained a grant from the King ; but in fact, a timid conduct would have been more likely to involve us in a war with them, than either of these measures.

Had they been allowed to subdue the Corah district and the country of the Rohillas, the Vizier’s territory would have been open to their incursions ; their numerous horse might have plundered it, in spite of the efforts of our infantry, and their continued ravages might have obliged him to come to an accommodation with them, as was once apprehended, on terms which would have afforded them an easy entrance into our own provinces. In short, we are much better secured against their attacks than we otherwise should have been ; and the better we are secured, the less will they be disposed to attack us.

6th. In reply to this objection, I will in the first place affirm, that, merely for the defence of our own provinces, two brigades upon the present establishment are sufficient ; a third is necessary to add to our influence amongst the powers of Indostan, to support our alliance with the Vizier, and to answer other exigencies which may happen at a more remote period of time. Upon the late occasion, when the Rohilla expedition was undertaken, our apprehensions of an invasion from the French had entirely ceased ; the dissensions among the Mahrattas fully employed them at home, and are mentioned among the secondary inducements in favour of the undertaking ; there was no other enemy from whom we could have the least apprehension of danger. Such was the occasion to be embraced for effecting our purpose, by a temporary employment of a third part of our forces ; and under such circumstances, (even without reckoning upon the acquisition which was the immediate object of the enterprize, to reduce the Company’s military expences, by employing that proportion of their troops which was superfluous for the purpose of their own defence) was a great and manifest advantage ; but when the stipulated acquisition of forty lacks, and the political advantages resulting from the measure, are superadded, the visionary idea of danger, which did not exist even in imagination at the time the expedition was undertaken, can have no weight as an objection ; especially as, from our own knowledge of the open and defenceless state of the Rohilla country, we were morally certain that the undertaking would soon be brought to an issue. By our ancient treaty with the Vizier, we are bound to assist him with our forces within his paternal dominions ; and the distance between their borders and the remotest part to which our troops have marched is only 200 miles. I will only add, that so long as no immediate danger threatens our own provinces, it is my earnest wish that one of our three brigades might constantly be employed with the Vizier, as well to save so large a proportion of expence to the Company, as to prevent the ill consequences of total inactivity to our army.

7th. The



7th. The addition of territory acquired by the Vizier, instead of raising him to be a dangerous neighbour, serves to render him more dependent upon us than before ; as he has more occasion for our assistance to enable him to maintain it, and to support him against the claims of other powers. If his increase of wealth be an object of jealousy, let it be considered how largely the Company share in it. From September, 1773, to September, 1775, the sums we have to receive from him, by our late engagements, amount to 135 lacks of rupees.

8th. I have already remarked, that the first proposition for the Rohilla war was made by the Vizier, in a letter which I received from him in June, 1773 ; that it was employed afterwards in the negotiations at Benares, as an instrument for winning his consent to the payment of the full expences of the troops employed in his service ; and that it was not finally resolved on till the 26th November, after the most ample discussion in the Select Committee and in the Council ; it was not therefore precipitately resolved on. It is true, that no formal treaty was executed for the conditions on which we were to assist the Vizier ; nor did the occasion, which was only temporary, require it. The multiplication of treaties weakens their efficacy, and therefore they should be reserved only for very important and permanent obligations. The form which was dictated to the Vizier for the letter which was to describe the conditions of this engagement, it is true, is not of itself sufficiently clear ; but it is explained by my letter which accompanied it, and the reference therein made to the conditions which had been formerly proposed at Benares, as they stood in the three first articles of the draft which had been prepared for the treaty before the Rohilla expedition was suspended. For the fuller elucidation of the subject, these articles are here subjoined. The two first had been agreed to by the Vizier ; to the third he objected, wishing rather to engage for the payment of the whole sum at once, when the conquest was completed. It is fortunate that the latter mode was adopted ; the completion of the conquest having been actually effected, and the stipulation, although objected to by the Vizier when first demanded, after the defeat of the Rohillas, having since been acknowledged by him to be due.

*The three first Articles of the first draft of the Treaty.*

1st. “ Whereas the Rohilla Chiefs, in the month of June, 1772, entered into a treaty with the Vizier, in the presence and with the concurrence of General Sir Robert Barker, by which they engaged to pay him 40 lacks of rupees for his assistance against the Mahrattas, and which treaty they have treacherously broken ; it is therefore agreed, that a brigade of the Company’s forces shall join the Vizier, and assist to punish them, and that he shall pay the whole of it’s expence. By a brigade, is meant two battalions of Europeans, one company of artillery, and six battalions of Sepoys ; and the expence is settled at Sonaut rupees 2,10,000 per month. The Company’s troops shall not cross the Ganges, nor march beyond the foot of the hills. The Vizier shall retain as his own that part of the Rohilla country which lies on the North East side of the Ganges ; but, in consideration of the Company’s relinquishing all claim to share in the said country, although it is to be conquered by their joint forces, the Vizier engages to make them an acknowledgment of 40 lacks of rupees, and in future to defray the whole expence of the Company’s troops, agreeable to the date above-mentioned, whenever he has occasion for their assistance, notwithstanding it is stipulated in the second article of the treaty of Allahabad, concluded by the Vizier and the Company on the 16th of August, 1765, that he shall pay only their extraordinary charges.

2. “ The Vizier may retain the brigade aforesaid on the above-mentioned terms as long as he shall require it, unless it shall be necessary to recall it for the defence of the Company’s own territories ; and he may employ them for the protection of any part of his country ; but they shall be kept together in one body, and not dispersed on different commands, except such detachments as the commanding officer shall judge necessary in the time of actual service. He may return the whole or part of the said brigade whenever he has no further occasion for their services, and he shall cease to defray their expences as soon as they shall enter the Province of Bahar. But as the Company cannot risk the credit of their arms, by allowing a smaller force to remain with the Vizier than half a brigade, it is provided that he shall either retain one half of the brigade, or return the whole. Upon their dimission, they shall depart with all convenient expedition ; and to prevent any future disputes from arising on this subject, the time of their march to the borders of his Province shall be computed at the rate of 5 cofs per day, from the place where they commenced their march.



3. " The Vizier engages to pay the 40 lacks of rupees stipulated in the 1st Article by monthly payments of 4 lacks, to commence from the end of the month Rabbee Ulluwull, or 10th June, 1774 : but should any accident (which God forbid !) oblige our forces to retire from the Rohilla country, and prevent the Vizier from obtaining possession of it, the said 40 lacks shall not be demanded."

9th. It was neither arrogant nor unreasonable in the Vizier to require, that since his entire dependance for the success of the enterprize which he had projected, was on the brigade of the Company's forces, the brigade should not abandon him while he was engaged in it, nor while the issue of it remained incomplete; nor can I devise any other condition which would have removed his apprehensions. If the Board judged the proposition reasonable, it certainly was not unbecoming in them to assent to it. It remains, therefore, to examine, whether it was reasonable, and whether this power granted to the Vizier was liable to danger or inconvenience.

I have already shewn, that the removal of the brigade to such a distance would not prove of danger to our own Provinces, because it was not wanted for their defence; that it would be productive of no inconvenience, because it occasioned an entire suspension of the Company's payments during its employment. It is not to be denied, that there are possible cases, in which it may be wanted for the protection of Bengal; but these are out of the reach of all probability, and too remote to be quoted as an objection to the present engagement.

I am not apprehensive that the Vizier will insist on keeping the brigade continually with him; my fears are, that he may dismiss it; as there is every reason to wish its continuance with him, and none, no, not one, for its recall. When the brigade was formerly employed with the Vizier, and the share of its monthly expences defrayed by him was only 30,000, and afterwards 1,15,000 rupees per month, he never shewed any earnestness for its continuance with him beyond the duration of the particular service for which it had been wanted, but was ever ready to propose its return; it is not likely, therefore, that he should be more solicitous now for its perpetual residence in his country, at an expence to him of 25 lacks a year, which he must pay, and which his income, even with the late additions to it, can barely afford.

He knows, that whenever he shall require the presence of the brigade, it will be for our interest to grant it; and he will therefore part with it when his own occasions, which in this instance must be confined to the defence of his own dominions, no longer require it, that the charge of its maintenance may be shifted from his account to the Company's; and that he may be subject to that burden only when he is an immediate gainer by it. This may suffice to shew the little risk we ran, had we absolutely engaged the brigade to him as long as he might choose to retain it: But in the present case (as I have already explained in the preceding article) it was understood by both parties, and indeed is inseparable from the nature of the engagement, and the original conditions of our mutual alliance, that we might recall it, if required, for our own protection, not only without any imputation of breach of faith; but (unless it was done in so precipitate a manner as to defeat the purpose of the expedition) even without affording him a pretext for refusing the payment of the 40 lacks."

Here I shall close this long quotation, and return back to the present occasion, only to collect all the scattered materials to their destined point.—I hope and trust, that I have now proved to this Honourable House, that the Rohilla war was not prohibited, but authorized by the Court of Directors; that it originated in measures which were purely defensive, and which were in train before my accession to the Government; that my share of it was warranted by the strictest justice, in retaliation of gross perfidy and violation of faith; that it was undertaken with every well-grounded assurance of success; and terminated in great and permanent advantages to the East India Company.



## ANSWER TO THE SECOND CHARGE.

*KING'S TRIBUTE, and CESSION of CORAH.*

**T**HE Second Charge is divided into two parts—the stopping of the King's tribute, and the delivery of the Provinces of Corah and Allahabad to Sujah ul Dowlah. I shall not find it necessary to take up much of the time of the Honourable House in my observations on these points.

When Sujah ul Dowlah invaded the Bahar Province in 1764, the King accompanied him; and on his defeat at Buxar by Sir Hector Munro, he remained in the possession of the victorious army. He had the name of Royalty, but not the smallest degree of power. Every Province of Indostan might acknowledge his sovereignty, and strike coins in his name, but none of them made him any remittances for his support, nor paid the least regard to his orders. In this situation he accompanied our army to the neighbourhood of Benares, and there remained till we had completed the conquest of Sujah ul Dowlah's dominions. The palace of Allahabad was then assigned him for his habitation; and at the treaty of Allahabad in 1765, Lord Clive and his Council thought it proper, partly I believe from humanity, and partly from political motives, to give him for his support the Provinces of Corah and Allahabad, and a tribute of 26 lacks of rupees from Bengal. I do not mean to deny the validity of the treaty of Allahabad, and I avow the necessity of adhering to it so long as the King remained under our protection; but I have given this short narrative of his situation, in order to shew, that by the terms of the treaty he was under obligations to us rather than we to him, and that we were not bound by ties of gratitude to subject ourselves to any inconveniencies on his account, more than our engagements absolutely required. It is not expressed in these engagements, either that the tribute should be continued to him in whatever situation he should place himself, or that it should only be paid him during his residence at Allahabad; but certainly it would have been repugnant to common sense to have paid it nominally to him, but really to the Mahrattas, to strengthen them against ourselves and our Allies.—This, however, is rather a justification of the Court of Directors, than of myself. It is sufficient for my exculpation to shew that I acted in conformity to their orders. In their letter of the 11th of November, 1768, they say, “If he (the King) flings himself into the hands of the Mahrattas, or any other power, we are disengaged from him, and it may open a fair opportunity of withholding the 26 lacks we now pay him.” When he actually did fling himself into the hands of the Mahrattas, the tribute was accordingly withheld: The Directors approved of its being withheld; and in their letter of the 3d of March, 1775, written, I imagine, with the concurrence of his Majesty's Ministers, ordered, that “no further remittances should be made to him without their express permission.”

With respect to Corah and Allahabad, when the King granted them to the Mahrattas, we must either have let them fall into their possession—or have taken them to ourselves—or kept them for the King—or ceded them to Sujah Dowlah: To have allowed the Mahrattas to possess them, would have been contrary to the tenor of the Company's orders for some years before, and would have increased their power, which was already risen to an alarming height, and would have endangered the possessions of our Ally, which we were bound to protect.

Had we taken them to ourselves, we should have excited the jealousy of Sujah Dowlah, to whom they had before belonged, and weakened our alliances with him, which it was very much our interest to preserve and strengthen; and we should have been put to great inconvenience in defending countries so widely separated from our other possessions; for it ought to be remembered, that at that time the intermediate Province of Benares did not belong to the Company.

To have kept them for the King would have exposed us to the same inconveniencies as the taking of them to ourselves; and we could not be under the least obligation to do so, when he had abandoned them in opposition to the advice and remonstrances of our Government, and had actually granted them to the Mahrattas. Had we advised him to throw himself into the hands of the Mahrattas, and they had extorted this grant from him, he might have had some claim upon us for the defence of them in his behalf; but when he did it in opposition to our advice, whether he granted them to the Mahrattas voluntarily, or suffered them to be extorted from him, this question could make no other difference, than that in the one case we might have considered



sidered it as a measure of hostility, in the other, only as a consequence of his imbecility; but in neither could we be bound to preserve them for him. When he had thus alienated the right, the right ceased of course to be his and the question of right then lay only between the Maharrattas and ourselves, and they were our enemies.

I am charged, that is to say, the Council in their instructions to me are charged, with an inconsistency in having acknowledged the King's right to reclaim the Districts of Corah and Allahabad, if he should make overtures to renew his former connection, and yet resolving not to yield this right, but in return for the surrender of another equally valid. This is no inconsistency. We certainly should have been entitled to some retribution for the repetition of a grant which he must have owed entirely and exclusively to our power; and with such good faith did we deal towards him that we began the business by informing him of our intentions in his favour, and by requesting that he would send some person to us to treat for the restitution of these Provinces. He did not avail himself of this offer, but left us with these Provinces an incumbrance on our hands, and with no other expedient in our power but that of making them over to the Nabob Sujah Dowlah, the nearest Ally of the Company, and the first constitutional servant of the Empire, to whom these Provinces had originally and recently belonged. Equally consistent with these sentiments is the Council's letter of the 1st of March, 1773, which was principally intended to notify our resolution of not relinquishing these Provinces to the Maharrattas; and it is peculiarly hard that not only my actions should be examined, but that every expression, whether of mine or of the Council's, should be criticised as a ground of parliamentary impeachment.

I have said, that the only remaining expedient, with regard to these Provinces, was the measure we adopted of ceding them to Sujah Dowlah. The tenor of the Company's letter of the 11th of November, 1768, which I have already quoted, implies, that they would have been satisfied had we allowed him to take possession of them without any pecuniary consideration whatever. By the agreement, however, for 50 lacks, we procured to the Company a material assistance, at a time when the situation of their affairs very much required it, and when they had urged us in the strongest terms to find out for them every possible resource. Sujah Dowlah was anxious for the possession of these Provinces, not only for the advantage which he might derive from them, but on a point of honour, as being part of his ancient dominions; and he esteemed himself obliged to us for the cession of them, notwithstanding the price which he paid. Our alliance with him therefore was strengthened by the sense which he entertained of this obligation, and still more by the necessity of our assistance to support him against the claims of the Maharrattas to the same Provinces; which would make him look up to us as his natural allies, and effectually preclude a possibility of what had sometimes been apprehended; an alliance between him and the Maharrattas, to our prejudice. It is true, a part of our army might be wanted to defend these Provinces when they were Sujah ul Dowlah's, as well as when they were our own; but in the one case we were only auxiliaries, in the other we should engage in the war as principals;—in the one case our troops would only be wanted occasionally, at his expence, in the other they must be constantly stationed there at our own;—in the one case their expences would be defrayed by Foreign wealth; in the other they must be paid by remittances from Bengal; for there is every reason to believe, that in case of an invasion scarcely any thing could have been collected from the country. As to the stipulation with Sujah Dowlah being inadequate, I will only observe, that Mr. Lawrell, who was sent to investigate the value, states the probable Revenue, in peaceable times, at Allahabad rupees 22,09,416. 11. 10; that Sujah Dowlah had a claim to these Provinces as well as ourselves; that it was with great difficulty I could persuade him to give so much as 50 lacks; and that I am clearly of opinion it would have been better to have given them to him for nothing, than to have kept them ourselves. Upon the whole I affirm that the measures objected to me in this charge were perfectly consistent with justice; that they were productive of no one inconvenience, but, on the contrary, were highly advantageous to the Company. I flatter myself that this will appear equally proved to the judgment of this Honourable House; but that at least they will think me secured from censure by the very full approbation contained in the Company's letter of the 3d of March, 1775, with which I shall beg leave to conclude what I have to say on this subject; observing only that it does not seem very candid in my accuser to take particular notice of the Company's orders, which he asserts that I transgressed, and of their disapprobation with respect to the Rohilla war, and totally to pass over in silence their orders which I obeyed, and their entire approbation on the matters contained in this his second charge. The following are the words in which the Company were pleased to express themselves on this subject.

32. " Having taken into our most serious consideration the circumstances which induced our President and Council to suspend payment of the tribute to his Majesty Shaw Allum, we must declare that his own conduct has rendered that measure not only expedient but absolutely necessary.

33. " We



33. "We have heretofore signified our earnest desire to have his Majesty accommodated, if possible, with a suitable residence within the limits of Bengal, in order to avoid those evils which we soon found would result from a continual drain of the circulating specie of the Provinces; but, notwithstanding we were assured that such residence would have been for the King's real advantage, yet, as his Majesty discovered an aversion to the measure, we never abated in our attention to his person, which is fully evinced by the regular payment of the stipulated tribute. We thought it incumbent on us to lay our sentiments before his Majesty, but we took no steps whatever which could be construed as intending to restrain him from acting on the occasion as he should think proper. It was, however, with deep concern we observed the King's views were such as appeared to us altogether inconsistent with his circumstances. Instead of availing himself of a situation so eligible as that which the Provinces might have afforded him, his Majesty gave us early proofs that nothing less than the possession of Delhi could satisfy his desires; and the measures adopted and pursued by him for that purpose were utterly repugnant to the interests of the Company."

34. "The junction of his Majesty with the Mahrattas, the defeat of his army by their troops, and the cession of the Provinces assigned for his support, were circumstances so alarming, that it *became the indispensable duty* of our President and Council to seize the opportunity which then offered for preventing those Provinces from falling into the hands of the Mahrattas, who were not only become formidable to our ally, Sujah ul Dowlah, but were evidently aspiring to universal conquest.

35. "Although the Provinces of Corah and Allahabad were reserved to the King by the treaty of 1765, we can by no means allow that his Majesty acquired by this treaty a right to resign them into the hands of our enemies. As the Vizier of the Empire is the first officer under his Majesty, and as the territories in question were formerly held by the Vizier, we cannot but be of opinion that our servants acted with great propriety in committing them again to his management, when it became absolutely impossible for his Majesty to hold them in his own immediate possession. And as the King had not only withdrawn himself from our protection, and abandoned the countries assigned to him, but also continued, by his presence, to countenance the depredations of the Mahrattas, we fully approve the resolution of our President and Council, under these circumstances, to suspend payment of the tribute to his Majesty; as we think the general principles of self-preservation warranted them to withhold resources which, if sent, they knew must fall into the hands of the Mahrattas, and which they had every reason to believe would be appropriated to the use of their army, and contribute towards enabling them to commit hostilities on our own Provinces, or on those of our allies.

36. "For the above reasons, we, upon the maturest deliberation, *confirm* the treaty of Benares; and we also hereby direct that no further remittances be made to the King, without our express permission first obtained for the purpose."

In the close of the charge I am again accused of inconsistency, in having affirmed at one time that "we held the dominion of Bengal by the sword, which I falsely declared the source of right, and the natural charter of dominion;" and that at a later period I had declared, that the sovereignty of the family of Shaw Alum is universally acknowledged, and that the Company still derives its constitutional dominion from their ostensible bounty." Any opinions, however accurately agreeing with themselves in their authentic construction, may be made to disagree, and even to contradict each other, by the mutilation or omission of the parts which composed their connexion: I affirm, as a fact unquestioned, and unquestionable, that we derive our original title to our possessions in Bengal from the sword alone. What additional right the King's Phirmaun gave us, it is unnecessary for me to examine. Thus much, however, I may be allowed to say, that it found us in possession, and that our substantial possession was never visibly mended by it. And all that the subsequent position ascribed to me affirms, is, that the Sovereignty of the House of Timur, though universally acknowledged, no longer existed in substance, and that the Company had derived no more than the mere form or shadow of a grant from it; that it derived its constitutional dominion from its ostensible bounty; that is to say, that it gave what it could, and that what it did give was a mere name, though the acceptance of the intention might entitle the donor to a return of kindness, where it could be given consistently with our own policy. Let the whole of my declarations, as they stand in the two Minutes which have been opposed to each other in the charge, be read at large, and they will be found to contain these sentiments, and to be perfectly consistent with each other.

I have passed by one part of the charge, because it shifts the ground of the accusation from me to my employers, and in that sense of it invalidates all the rest; but having done with all that



that related to myself, I now recur to this:—It is stated, “ that the East India Company “ having on their part violated the engagements, and renounced the conditions on which they “ received, and have hitherto held and enjoyed, the Dewanny of Bengal, Bahar, and Orissa, “ from the King Shaw Allum, have thereby forfeited all right and title to the said Dewanny “ arising from the said grant; and it is free and open to the said King to resume such grant, “ and to transfer it to any other Prince or State.” I hope this charge, as it stands against the East India Company, will appear to be clearly refuted in the preceding arguments used in this defence; for I have not rested my own justification simply on orders received, but have equally endeavoured to prove those orders consistent with good faith, strict justice, and sound policy. With respect to the inference drawn at the close of the preceding quotation, namely, “ That the Company have forfeited all right and title to the Dewanny arising from the said “ grant; and that it is free and open to the said King to resume such grant, and to transfer it “ to any other Prince or State,” I will confess, that when I first read it, in that anxious tenderness which a sense of wounded honour felt from the laboured and voluminous mass of accusations that lay before me, its instant impression on my mind was, that I had either uttered these sentiments, so repugnant to my duty as a servant, and to my loyalty as a subject, or that they followed as an inevitable deduction from some expressions that I might have unguardedly made use of: nor can I yet, notwithstanding the change of their application, understand them to have been introduced into a criminal charge against me, but for such a purpose, since, with all my powers of conjecture, I cannot devise any other which could be meant by it.

I rely on the consciousness of my own undeviating integrity, and on the love which I bear to that country in which it has pleased God to place me, to affirm that I never did or could entertain, much less express, a sentiment so abhorrent to my principles as a man, and to my feelings as an Englishman; and if it can be proved that I have ever made use of such a doctrine, to become the advocate of any Prince or State upon earth, in opposition to my own, I will acknowledge that I deserve to be punished with death, and my name to be branded with infamy.

---

## ANSWER TO THE THIRD CHARGE.

### B E N A R E S.

#### PART I.

**I**T has been the fashion to give histories of Benares; but as far as I have had occasion to peruse them in Reports of the Select Committee, or in anonymous pamphlets, they are, for the greater part, fanciful and unsupported. I shall here detail as much as I am warranted by certain knowledge of its former and present situation, adopting, where I possibly can, the very words of the third charge against me.

“ The territory of Benares is a fruitful, and has been” (*and is at this day*) “ an orderly, “ well-cultivated, and improved Province. Its capital city may rather be considered as the “ seat of the Hindoo religion than as the capital of a Province.” I am not certain of the period at which it was annexed to the Mogul Empire; but it is clear by the *Ayeenee Acheree*, that it was a part of the Subah of Allahabad in Acber’s time.—Catrou (page 119) mentions a *Raja Cawn* to have been subdued by Acber, whom I conceive to have been Rajah of Benares. However, the same *Ayeenee Acheree* asserts, that Sultan Mahmood Ghaznavee (the first Mahomedan invader of India) came to Benares in the 410th year of the Hejira, above 750 years since. After Acber, his son Jehan Gueer was undoubtedly master of it; and Daia Shekuh, the eldest son of Shah Jehan, son and successor of Jehan Gueer, resided a considerable time at Benares in a station of authority, as we learn from his own preface to a book he compiled during his residence there. Aurengzebe, his youngest brother, and successor to the Empire after Shah Jehan, has effectually displayed to posterity the power and sovereignty which he exercised in Benares, with a savage bigotry characteristic of his temper and policy, by a magnificent Mosque which he erected on the site (and even admitted into his plan a considerable



part of the edifice) of an ancient and most superb Hindoo temple. This Mosque continues perfect to this day, and with its high-bounding minarets (which *he* also erected) overlooks the whole city. If Benares, in Acher's time, was a district of the Subah of Allahabad, it continued annexed to the same Province in the time of Aurengzebe, as we learn from Catroux (page 362) it therefore never was considered a capital of any considerable kingdom; nor yet as a Province annexed to the Subah of Owde. Benares is a naked defenceless city, situated so near to the almost impregnable fortress of Chunar, that the possessor of the *one* may at all times be master of the other; and this accounts for its having been annexed to the Subah of Owde, some time since the invasion of Nadir Shah. Rajah Bulwant Sing, who resided at Benares with some degree of authority (but who never had permission to coin money, nor even the administration of criminal justice in the city itself) when the incursions of the Shahzadah, now the King Shah Allum, first drew the attention of the English to that quarter; and, far from being a great Lord (or any Lord) of the Empire, he was a mere dependant on the Nabob of Owde, *Sujah ul Dowlah*. He was originally Zemindar of a small Pergunnah, called *Gungapoor* (by purchase not by inheritance, for his father, Munseram, was *not* a Zemindar) yielding a revenue of about £.500 a year. He had been patronized and employed by Sefdar Jung, the father of *Sujah ul Dowlah*, and was gradually promoted to be *Aumil* or Collector of Benares and *Gazipoor*. He continued in that capacity to the day of his death, and *never was Zemindar of either district*. In the year 1764, when *Sujah ul Dowlah's* affairs were on the decline, Bulwant Sing made overtures to the Nabob of Bengal, Meer Jaffier, to join his army with such troops as he could muster. General Carnac, who commanded our army at that time, warned the Governor General and Council of Calcutta of the Rajah's perfidy; and so well were those gentlemen convinced of the truth of those allegations, that on the 6th of November of the same year, they wrote thus to Major Munro: "With respect to Bulwant Sing, *the double part he acted in the beginning of the war* sufficiently warns us to put no confidence in him; and therefore, if he has not already been permitted to join you, or you have entered into no engagements with him, *we would have him dispossessed of his country, and his person, if possible, secured.*"—My predecessors, it may be here observed, both in language and counsel, equalled at least, or rather exceeded, every thing of which I am now accused. I have said that Bulwant Sing *never was Zemindar of Benares or Gazipoor*; in proof of this, I appeal to Bulwant Sing's own proposals to Major Munro, dated the 21st November, 1764: "If you, Gentlemen, chuse to possess yourselves of *Sujah ul Dowlah's* country, I will agree to hold the Sircars of Benares, *Gazipoor*, *Joinpoor*, *Bidjigur*, &c. on the same terms as I hold them from *Sujah ul Dowlah.*" Of *whose* country were the English supposed to intend a seizure?—Of *Sujah ul Dowlah's*. Who held the four Sircars here mentioned?—*Bulwant Sing*. Of whom did he hold them?—Of *Sujah ul Dowlah*. By what denomination are they described?—As parts of *Sujah ul Dowlah's* country. Every word of the proposal proves that *Sujah ul Dowlah* was *Sovereign of those Sircars*, and that a seizure of *Sujah ul Dowlah's* country necessarily include the seizure of Benares, *Gazipoor*, *Joinpoor*, *Bidjigur*, &c. Had Bulwant Sing possessed a separate territory, the conquest of *Sujah ul Dowlah's* country would not have been tantamount to a seizure of *Bulwant Sing's*. Had he been Prince, or Zemindar of those Provinces, he would naturally and of course have named them, in his proposals, "*my Sircars*," or "*my Zemindary*;" and his *Arzee*, or proposal, must, according to the universal custom of the country, have been signed by him "*Zemindar of the Mahals of Benares*," &c. &c. Through that whole war, which terminated in the entire defeat of *Sujah ul Dowlah*, Bulwant Sing's conduct was alternately treacherous to his master and to us. His first junction with us is acknowledged by the Court of Directors, in the letter of the 26th of May, 1768, to have been "*of signal service to us*," and I do not deny it; but the whole correspondence of the Bengal Government in the years 1764 and 1765 proves that he *never did us any other service*: that he was a suspected, a faithless, and a dangerous ally; and that but for the treaty made with him by the Commander of our army, the Governor and Council would have "*seized his person, and transferred his districts to another.*" (See 2d Report of the Select Committee, pages 4 and 5, &c.) Bulwant Sing dying in August, 1770, his son Cheyt Sing succeeded to his rights, as *Zemindar of Gungapoor*. The appointment of Farmer or Collector of Benares and *Gazipoor* reverted of course to the Vizier his sovereign: I must observe, that in the translations of the Persian papers, both of those and the preceding times, great confusion occurs, in the application of peculiar and definite terms, with a loose and unguarded signification; for in twenty different documents at least, quoted in the Second Report of the Select Committee, Bulwant Sing's farm or collection, is styled his "*Zemindary*." I need go no farther than the 5th article of the treaty of Allahabad (see 2d Report, 10th page): "His Highness *Sujah ul Dowlah* engages in the most solemn manner to continue Bulwant Sing in the *Zemindaries* of Benares, *Gazipoor*, &c. &c.;" and in the 7th article of the same treaty, it is resolved "*to restore to his Highness the country of Benares*, and the other districts now rented by Bulwant Sing:" Both of these articles cannot be admitted in their true and literal sense. If the *Zemindary* belonged to Bulwant Sing, he could not be said to rent it, he paid tribute only. If the Country



did not *belong* to Sujah ul Dowlah, it could not be *restored* to him. In short, the word 'Zemindary' is used by our translators in a lax sense, to signify *district* or *Province*: This is evident from the letter of the Bengal Government to the Court of Directors of 11th September 1770 (see 2d report, 10th page): "In our former letter, gentlemen, we expressed our sentiments of the consequence it was to your affairs, that the *succession* to the Zemindary of Benares should *continue in the family*; but that it was a delicate point to accomplish with the Vizier."—Why was this a *delicate point*? The third paragraph of Mr. Burke's third charge, *peremptorily* states, that on the death of Bulwant Sing "his son Cheyt Sing *succeeded* to his rights and pretensions." The *delicacy* of the point consisted precisely in the *want of right*, for had Bulwant Sing been real and hereditary Zemindar, the succession would have gone to his son *of course*, there being in India no such custom as disinheritorship: *This circumstance* proves also, that Bulwant Sing was *not* the Zemindar; for in that case it must have devolved to *him* by inheritance: instead of which, he writes to Rajah Shitabroy (see 2d report, page 5): "If it is the intention of the English gentlemen to take possession of Sujah ul Dowlah's dominions, I will agree to hold Benares and Gazipoor, &c. which have long been under my jurisdiction, on the same terms from the Company as I did from Sujah ul Dowlah." Here was precisely the place to have pleaded his *right of possession*, and his *title by inheritance*: Instead of which he only says, those places had *long* been under his jurisdiction, which (if *any* meaning be annexed to the words) must imply that they were *not always so*. I must quote another part of this Bengal letter of 10th September 1770 (2d report, page 11): "A jealous, suspicious disposition of the old Rajah, assisted by the distrust of their own children, inherent in the minds of the people of this country, may *possibly* have been the reason why the son was not included in the treaty of 1765; for had he expressed a wish to secure the Zemindary in his own family, a doubt can scarcely be formed, &c."—But suspicious, *probably*, of the consequences that his son "should think he had a right to the succession," his whole aim seemed to center in self-security, without the least attention to the good of his posterity.—I answer, every word of this, if it be really applicable to Bulwant Sing's state of mind, proves beyond a doubt, that *he was not the Zemindar*; for, *as Zemindar*, his son *must* have succeeded, in the language of the charge itself; and it was a matter perfectly indifferent to the state of the case, whether Bulwant Sing expressed or did not express his wishes on that head: But if he really were "*suspicious of the consequences that his son should THINK he had a RIGHT to the succession*," it is demonstrable that he knew the son to have *no right*; for had he a right, Bulwant Sing could neither suppress a knowledge of it from his son, nor controvert its effects. It would have been a clear, entailed, hereditary state, of which it was mutually indifferent to the father and to the son what each might separately *think*. When Cheyt Sing, by the influence of the Company, was confirmed in the place which his father had held as Farmer or Collector for the Vizier, he paid, as a gift or nuzzeranah, a sum amounting to nearly 200,000*l.* and increased his rent near 30,000 pounds per annum; "by which," (Mr. Burke says) "he became a *purchaser*, for valuable considerations of his right and inheritance in the Zemindary aforesaid." I do not profess to understand *how* a man can be said to *purchase* of another that which the other *has not to sell*. To the *rights*, the charge expressly declares Cheyt Sing to have *succeeded* by the death of his father: The inheritance itself is that very right; so that Cheyt Sing purchased what he had already; and the actual functions of his office, the collection of the rents, and the government of the districts, &c. were obligingly thrown into the account. But why did the Vizier exact 200,000*l.* on the death of Bulwant Sing?—Assuredly because, as sovereign of the whole country, he possessed and exercised the right of *levying fines*, and that to an arbitrary amount, as appears by the 2d report of the Select Committee. I know not how we can deny the existence of many *despotic principles* in the Mogul system of government; but wherever *those* exist the powers of the Prince will be every thing, and the *rights* of the subject nothing. Sujah ul Dowlah *fined* Cheyt Sing 200,000*l.* and 30,000*l.* per annum; which, at only ten years purchase, is 300,000*l.* in all 500,000*l.* for the mere investiture of what in the charge is stated to be his *right of inheritance*. I, who was vested by my station with exactly the same powers as were exercised by Sujah ul Dowlah, never thought of a *greater fine* as a punishment for the most flagrant offences. Cheyt Sing *succeeded of course* to his father's treasures (See Lieutenant Colonel Harper's evidence, appendix to 2d report) not by any testamentary form, not by any permission of the Vizier, not by any intermediation of his friends, but by *right of inheritance*. Are there two or more species of rights of inheritance? All that the father could call his own came to the son; what he held of his sovereign reverted to its owner. The dignity, the power, the profit consequent on the government, were matters which the Vizier had a right to sell, and which Cheyt Sing might have a preference in purchasing, if the two parties could settle their terms. Bulwant Sing had saved great sums of money out of his Government, by Colonel Harper's evidence, it was therefore an object to Cheyt Sing to succeed to his father's lease, even on terms somewhat less advantageous. The Government, or lease (or by whatever other title of possession Bulwant Sing had exercised authority in Benares) was, at the father's death, procured for the son; and as the general letter from Bengal, dated 31st October, 1770, (See 2d Report, page 11th) expressly states, Cheyt Sing was "considered by the Vizier as holding that country on the same terms as his father." Bulwant Sing, I have proved above, held only *in capite*;



*capite*; the son therefore, at this time, held only *in capite* also: and Colonel Harper, who acknowledges that Bulwant Sing had but a *life interest* in the lands, must be mistaken, where, in quoting from memory, he gives evidence, that "the sunnud to Cheyt Sing was granted to him and his heirs." It is allowed on all sides, that the *letter of the treaty* of Allahabad did not extend to Bulwant Sing's heirs (see 2d Report, page 12th). The Vizier, therefore, was perfectly justifiable in refusing to acknowledge it farther; and in my deputation to Benares, in 1773, I procured a new treaty, for the express purpose of settling this point to Cheyt Sing's satisfaction. It may be remarked, that all the governing powers of Indostan are extremely averse to any treaties or agreements which are declared to be *binding on posterity*; and I have had frequent difficulties in many negotiations with the native Princes on this head; they have always pleaded "that it was against the custom of their country." It must be admitted, that the Council, in 1773, conceived some doubts to exist *somewhere* respecting the validity or the extent of the first stipulations in behalf of Cheyt Sing, or they would not have empowered me to *renew* them. And I am warranted in having declared in my narrative, "That Cheyt Sing obtained from our influence, *exerted by myself*, the first legal title that *his family* ever possessed of *property in the land*, of which he, till then, was only the *Aumil*, and of which he became the acknowledged *Zemindar*, by a sunnud granted to him by the Nabob Sujah Dowlah, *at my instance*, in the month of September, 1773." The father was no more than *Aumil*, as I have amply proved; on his decease the son precisely succeeded to his rights and pretensions, as the Charge states—he therefore became *Aumil*; and if he ever was *Zemindar*, it could only be derived from the sunnud of 1773. In 1774, the Majority of the new Council General adopted, in the case of Sujah ul Dowlah's son, the system formerly supported by Sujah ul Dowlah, in the case of the son of Bulwant Sing. They decided that the treaty made with the father did not bind them with respect to the son. In both cases my opinion had been uniform and consistent. In 1770, I thought that the agreement made between Sujah ul Dowlah and Bulwant Sing was virtually in force, though one of the contracting parties was dead, and that Cheyt Sing stood precisely in the place of his father. In 1774, I thought that the treaty we had entered into with Sujah ul Dowlah continued to bind the Company; and that his son, Asoph ul Dowlah, had in every respect succeeded to his father's engagements, as well as his dominions. In both cases my judgment has been unfortunate; the latter, however, procured the Company a large addition of territory and revenue, on the appropriation and management of which, as the Majority of the Council decided *against my opinion*, their sentiments alone, and *not mine*, are to be considered in whatever relates to the transaction. I must therefore *except* to the use made by Mr. Burke, and to any use whatever being made, of any minutes delivered in Council *by me* on that occasion, as those minutes were no part of the cause or motive on which the majority acted; and therefore, as far as any good or evil arose out of the act itself, I am totally unconnected with it. General Clavering, Colonel Monson, and Mr. Francis, in their minute of 7th of December, 1775, (see 2d report, 23d page) fully acquit me; "the measure," (they say) "is strictly and exclusively *ours*." The original plan was *opposed in every step by the Governor General and Mr. Barwell*." Upon the same principle I solemnly disclaim all connection with, and even all knowledge of, any "improper and fraudulent transactions with regard to the symbols of investiture which ought to have been given to the Rajah; and the form of the deeds by which the said Zemindary ought to have been granted," as stated in the 13th article of the Charge. I am not responsible for the acts of the Majority, nor for the acts of Mr. Fowke, their Resident at Benares, who acted wholly under their authority, and over whom I had not the shadow of an influence; I was at that time but a spectator of what was doing, a mere cypher at the Board.

If there were any mistakes in the modes of investiture, or the forms of the deeds, they were without my concurrence; and as I cannot even now conceive what purpose so pitiful an artifice could be supposed to answer, I will positively assert they could not be *fraudulent*. Mr. Francis, who is the surviving Member of that Majority, "to which the measure strictly and exclusively belonged," is alone amenable for every part of it, for its *informatives*, as well as for its merits; for any "complicated, artificial, and fraudulent management," that might take place in the course of its execution, as well for the grounds on which it was proposed. For my own part (after disclaiming all pretensions to any particular and exclusive duty on me to attend to the due interposition of all transactions on the Company's Records, which duty I conceive to be that of the Secretary under the direction of those who had the authority; and also after professing most religiously that I did never, either directly or indirectly, procure the omission of a syllable of any public document whatever, which ought to have been transmitted to the Court of Directors) I do most solemnly affirm and declare, that I did not, at the time specified, meditate to make any *evil use whatever* of the deeds which are stated to have been withheld from the Company;—that I did not (until the very day when I first read it in the Charge) know that such deeds had been withheld, and that I should at all times have loathed and spurned at the mere idea of grounding any measure of mine on so shallow and base a manœuvre; I may be allowed to add, that while the counterparts of the deeds existed, all concealment on our side was equally ridiculous and ineffectual;



ineffectual; it is an invariable form, that the cabooleat, or agreement with the Zemindar, is always word for word the same as the potta or lease. After all, I have been combating with a shadow, for what were these deeds which were suppressed? The only deed or instrument of Cheyt Sing's investiture was the *sunrud* or charter, and the potta or lease, which are expressed in the Chage to have been regularly made out and transmitted; I know of no other. No *sunruds* ever were sent to the Court of Directors, nor any papers in the original language.

## P A R T II.

I MEAN to *prove fully*, in its proper place, that I never gave permission to any Agent to resign for me the office of Governor General, I can here only *assert* it; but when General Clavering attempted to assume the chair which I had *not* vacated, I was warranted in supporting my authority by every means in my power: I was warranted in styling him "*my opponent*," and warranted in treating every misplaced mark of homage to *him* as a personal disrespect to myself:—When, therefore, I affirmed that Cheyt Sing had deputed an Agent, with an express commission to compliment General Clavering on his accession to the government, I affirmed a fact certainly criminal and offensive to the Company's government, inasmuch as it was an officious and premature interference on the part of the Rajah, pregnant in itself with very great disadvantages to the due and orderly administration of affairs, and deeply injurious, by the example it held out to others, for taking part in the dissensions which at that time harassed our Councils. In Cheyt Sing's case it was particularly obnoxious, because all correspondence with *him* (as with other native powers) was by the Company's orders conducted through the medium of the Governor General; the Rajah, therefore, had no right, no pretext, for paying such a compliment to General Clavering, until his accession to the chair had been notified *in form*; nor can it be urged, in the present instance, that such notification was duly made; for, granting (as I believe I may) that General Clavering had issued, in his assumed character of Governor General, information to that purport, Cheyt Sing had a Vakeel in Calcutta, whose express business it was to set his master right, and for that purpose he might have had, *and had*, at all times free access to my house and apartment; and I also caused immediate official dispatches to be sent off to the different country powers, to assure them of my continuance in administration. I urged this act of the Rajah, *at the time it took place*, and I now urge it, as a proof of the readiness which he shewed to foment, or even to take part in any divisions of our government; it always appeared to me indecent with respect to *my* office, unjustifiable with respect to *his* situation, and a proof of his rooted disaffection to the English administration. Whether or not I *personally* forgave him, is of no consequence: I never sought to punish him but on *public grounds*. And had he faithfully discharged his duty to the Company, he would never have heard a syllable of my resentment. Implacability to my inferiors is no part of my character. I am accused, "That having obtained, in my casting vote, a Majority in Council on the death of Sir John Clavering and Mr. Monson, I did suddenly, and without any previous general communication with the Members of the Board, by a Minute of Consultation of the 9th of July, 1778, make an extraordinary demand, namely, that the Rajah of Benares should consent to the establishment of three regular battalions of sepoys, to be raised and maintained at his own expence." I answer, that on the 6th of July *at night* a packet was received from Mr. Baldwin at Cairo, with an account (deemed fully authentic by the whole Council) that war had been actually declared and commenced between Great Britain and France. It was my duty to propose measures in consequence of this intelligence, *without loss of time*. Accordingly, on the 9th of July, after an interval of only two days, I gave in at the Council Board a plan of *general increase* for our military and marine establishments, to meet the exigencies of the moment. Every Member of our Government felt the necessity of the measure, and we were for once unanimous. My propositions, which embraced every part of the Company's dependencies on that side of India, could not, without glaring and very suspicious partiality, have omitted the territories of Cheyt Sing. I allotted what I thought (and *still think*) a very moderate portion of the newly-incurred burthen of the war to him. Had my colleagues been of a different opinion, they might have proposed a modification, or a total exemption. They did neither. While they admitted the necessity of the actual demand, they did *not* object to the sum: and the *decision of future right* (on which there appeared some shadow of hesitation) *was*, by general consent, *referred to our superiors*. (see 2d Report, 26th page.) On this right our superiors *did never decide* while Cheyt Sing continued at Benares, though our Minutes on the subject arrived in London the 12th of April, 1779. *Their silence had all the effect of acquiescence*. The Rajah is said to have asserted, that I had promised this exaction should continue *but for one year*; and *should not be drawn into precedent*.—I now most solemnly declare, *that I never made any such promise*; and that I had effectually precluded myself from making it, the Minutes themselves will testify, for in our first debate on the subject, I agreed to add to my original motion for



raising the troops, the following words: "and to be disbanded at the end of the war" (see 2d Report, 26th page.) After this, I must have affected a spirit of prophecy, to pretend that the demand should exist *only for one year*. The war continued in 1779, and the demand was accordingly renewed. It met with prevarication, excuse, and procrastination, on the part of the Rajah. On the third year his delays grew still more perplexing, and indicated the strongest signs of determined disobedience. See all the Bengal Consultations of that period, as exhibited in the 2d Report of the Select Committee. By this time I considered myself as *acting on the surest grounds*. The letters from our superiors, in answer to those of the two preceding years from us, contained no one sentence which could be deemed a disapproval of our transactions with the Rajah of Benares. As the subject had been fully and repeatedly before them, it was impossible to suppose they had overlooked it. *With my hands thus strengthened by the implied approbation of my employers*, as the exigencies of the war grew daily more pressing, I moved in Council, "That Cheyt Sing might be required to furnish such cavalry as he could spare, with "an express declaration to him, that they should be returned at the close of the war:" and this was done by the advice and recommendation of Sir Eyre Coote. The Rajah certainly maintained a considerable body of cavalry. *He admitted thirteen hundred*, and I know they were many more. In the war with the Rohillas he furnished five hundred to his then sovereign, Sujah ul Dowlah (see Supplement to 2d Report, 12th page) and General Clavering would have recommended to him to keep up *two thousand*. This was the number I demanded; but on his repeated representations, I gradually lowered my requisition to *one thousand*. He acknowledged to have *thirteen hundred*, and yet offered but *five hundred* to the Company. My patience was exhausted by such repeated acts of contumacy, and I determined (I repeat it) to convert them into an advantage for the Company's affairs. I considered the light in which such behaviour would have been viewed by his native Sovereign, and I resolved he should feel the power he had so long insulted. Forty or fifty lacks of rupees would have been a moderate fine for Sujah ul Dowlah to exact; he who had demanded 25 lacks for the mere fine of succession, and received 20 in hand, and an increased rent tantamount to considerably above 30 lacks more: and therefore I rejected the offer of 20, with which the Rajah would have compromised for his guilt when it was too late. If I ever talked of selling the Company's sovereignty over Benares to the Nabob of Oude, it was but *in terrorem*; and no subsequent act of mine warrants me seriously to have intended it: if I ever threatened to dispossess the Rajah of his territories, it is no more than what my predecessors (without rebuke from their superiors, or notice taken of the expression) had wished and intended to have done to his father, even when the Company had no pretensions to the sovereignty of the country; it is no more than such a *legal act of sovereignty* as his behaviour justified, and as I was justified in by the intentions of my predecessors. If I pretended to seize upon his forts, it was in full conviction that a dependant on the Company, guaranteed, maintained, and protected in his country by the Company's arms, had no occasion for *forts*, had no right to them, and could hold them for no other than suspected and rebellious purposes. None of the Company's other Zemindars are permitted to maintain them; and even our ally, the Nabob of the Carnatic, has the Company's troops in all his garrisons; policy and public safety absolutely require it. What state could exist, that allowed its inferior members to hold forts and garrisons, independent of the superior administration?—It is a solecism in government to suppose it.

### P A R T III.

I removed Mr. Fowke from Benares on Political grounds, against the orders of the Court of Directors, because I thought it necessary that the Resident there should be a man of my own nomination and confidence; I avow the principle, and think no Government can subsist without it. The punishment of the Rajah made no part of my design in Mr. Fowke's removal, or Mr. Markham's appointment, nor was his punishment an object of my contemplation at the time. I removed Mr. Fowke, to appoint Mr. Markham; an appointment of my own choice, and a signal to notify the restoration of my own authority, as I had before removed Mr. Fowke, and appointed Mr. Graham, for the same purpose.

The charge adds, "It was soon after that I prepared for a journey to Benares." This is not true:—The interval of time is evidently shortened, for the purpose of forcing the inference before drawn from my appointment of the new Resident. This appointment was made early in February, and I left Calcutta in July.

I deny that the design of exacting a penalty from Rajah Cheyt Sing for his contumacious behaviour, was either "wicked" or "perfidious," as is stated in the charge. I admit that I did not enter it on the consultations, because it was not necessary; even this plan itself of the fine was



was not a fixed plan, but to be regulated by circumstances, both as to the substantial execution of it, and the mode: Nay, I will aver, that I had drawn up a review of our whole political connexions, extended even as far as Guzzerat, and given a copy of it to Mr. Wheler, containing a variety of modes, from which I meant to draw some relief of alliance, power, or finance, to save them from the ruin which was accumulating around them; and this plan of the fine, as I recollect, made a part of it. But was it necessary, as an official obligation upon me, or would it have been prudent that I should enter upon our consultations every speculative resource to which the exigency of our affairs might eventually compel me to have recourse? And was I precluded from availing myself of any such resources, when the occasion required them, and the means were afforded me, because the design of them had not before been entered on our consultations? In what part of the Company's standing orders, nay, I may add, in what code of common sense, is such a rule prescribed to me? In this charge I am blamed for "the long concealment, and late communication of this intention (viz. of the fine) time not being allowed to my colleague to consider the nature and consequences of such a project, or to advise any precaution concerning the same." The grounds on which this charge is founded are, that although I communicated my intentions to Major Palmer in June, it does not appear that I communicated them to Mr. Wheler till the eve of my departure. It is supposed that the eve means the preceding night: Assuredly it will admit of a larger construction. From my recollection, at this distance of time, I will venture to affirm, that my intentions were communicated to Mr. Wheler *some weeks before my departure* I believe I may say, almost as soon as they were formed, for I was then in the habit of the most confidential intercourse with him; nay, I think it probable, that they were communicated to him even before they were to Major Palmer, as that Gentleman arrived in Calcutta only a very short time before my departure, which was on the 7th of July. I avow my intention of fining Cheyt Sing fifty lacks. This was the "Improvement of the interest which the Company possessed in the Zemindary," alluded to in my minute on the occasion. And as I own myself not to have foreseen Cheyt Sing's flight or rebellion, I *did* conceive it possible to have formed an arrangement of this kind "with the Rajah," and it was certainly "fit and consonant to the mutual engagements subsisting between the Company and the Rajah." This I will prove at large: A *fine* was what I meant to exact—and *to fine* was a *right* expressly reserved to the Company (see a secret letter from the Governor General and Council of Bengal, dated 15th January, 1776—i. e. General Clavering, Colonel Monson, and Mr. Francis): "We thought it adviseable to fix a proper weight and standard, to be invariably observed by the Rajah in all money which might be coined, on pain of *forfeiting the mint, and being liable to any penalty the Board might think fit to impose*, on the first instance of any deviation." The same sovereignty which could dictate so authoritatively on one occasion, must have had an equal right in others; and therefore the exaction and payment of a penalty was *consonant to the engagements between the Company and the Rajah*. Sujah ul Dowlah levied a *fine*, on the death of the father, for investing the Son. Here then we have a *second right* made over, with the other appendages of sovereignty, to the Company. Had not our powerful interposition prevented the consequences of Bulwant Sing's treachery to his master, in 1764, Sujah ul Dowlah would probably have exerted, with signal rigour, a *third right of fining*, and have furnished me with a precedent full in point to my treatment of Cheyt Sing. The inference therefore is, that the *right of fining* was general—perhaps arbitrary; but for *that* I am not responsible: It is a defect woven into the texture of the Mogul system—It will no doubt be most happy for the inhabitants of Asia, when the despotic institutes of Jengheez Khawn or Tamerlane shall give place to the liberal spirit of a British legislature; and I shall be amply satisfied in my present prosecution, if it shall tend to hasten the approach of an event so beneficial to the great interests of mankind. In my narrative of the subsequent transactions between Cheyt Sing and myself, composed while all the circumstances were strong in my recollection, I have detailed every particular necessary for a complete comprehension of the painful part I had to support.—To the *colourings* which are put upon many of my expressions by the subtilties of construction, I shall make few or no objections. Truth is my immediate aim, and I cannot step out of my way to glean up every casual insinuation; otherwise I might observe, that I cannot well conceive why, on my refusal to see the Rajah, it should be pronounced that I "*rudely and insolently forbade his visit*." Is it rude to be peremptory? or is resolution insolence? if he were: *great Prince*, I, as representing his Sovereign, should seem a *great King*. I gave the Rajah in writing my charges respecting his conduct, "*informal*" perhaps, and "*irregular*;" (for where should I have acquired the *legal precision* requisite for a *special pleader*?) but certainly *substantial*, and *momentous*, and *just*. I have said that his *answer* was "not only unsatisfactory in substance, but offensive in style." I repeat the assertion now, that near five years since elapsed have cooled my resentments (if I ever had any) and that my feelings are no longer interested by concomitant circumstances. It was filled with shuffling excuses and palpable falsehoods. It stated that the Rajah had furnished the additional five lacks of rupees "*with the utmost readiness*;" and that he had "*taken a penalty bond from his Aumils that they should keep no thieves in their districts*." Was all this *true*, or *satisfactory*, or *decent*?—I had now reason to suspect that the Rajah would never come to such "*an arrangement*" as I wished, till he had, at least in some slight degree, felt the hand of authority; and I accordingly



cordingly put him under an arrest. No insult, no menace, no violence of any kind, was intended or applied: I even wrote to him to calm any apprehensions for personal safety which he might be weak enough to entertain; and received his answer, that "he was entirely free from concern and apprehension." What followed I need not here particularize. My conduct was regulated by events which I could neither foresee nor controul. All my original measures were broken through, all my designs annihilated, by the barbarous massacre of my unarmed troops, and the unexpected flight of Cheyt Sing. Every step which I had taken before that fatal moment is an incontrovertible proof, that I had *formed no design* "of seizing upon the Rajah's treasures, or of deposing him;" and certainly, at the time when I *did* form the design of making the punishment of his former ill conduct subservient to the exigencies of the State, by a large fine, "I did not believe him guilty of that premeditated project for driving the English out of India, with which I afterwards charged him."—Had I been forewarned of this project in the extent I afterwards discovered, I most assuredly would have anticipated his schemes with more solid effect, and *without personal hazard*: I would never have proposed to "settle his Zemindary upon him," *on any footing at all*. Nothing therefore can equal my surprize at the tenor of this part of the charge, except my incapacity to answer, without contradiction, two accusations *totally contradictory*. In the 13th, 14th, and 15th clauses of this 3d section of the 3d charge, I am accused of *implacability* to all the Rajah's humble submissions; of *perseverance* in rejecting all accommodation (though several offers were made); and of "*being filled with insolence and malice*," in not replying to the Rajah's letters, after he had so notoriously drawn the sword of rebellion. And in the 27th clause of the same section of the same charge, it is asserted, that if I "had conceived him (Cheyt Sing) to have entertained traitorous designs against the Company, from whom he held his tributary estate, or had been otherwise guilty of such enormous offences as to make it necessary to take extraordinary methods for coercing him, *it would not have been proper* to settle upon such a traitor and criminal the Zemindary of Benares, or any other territory, upon the most eligible, or upon any other footing whatever." Thus am I in one and the same charge accused of being *severe*, and told it "*would not have been proper*" for me to have been *lenient*:—Censured for intending to settle the Zemindary upon Cheyt Sing, and censured for having rejected all his offers towards a *settlement*.—I can only answer to this formidable dilemma, that so long as I conceived Cheyt Sing's misconduct and contumacy to have *me* rather than the Company for its object, at least to be merely the effect of pernicious advice or misguided folly, without any formal design of openly resisting our authority, or disclaiming our sovereignty, I looked upon a considerable fine as sufficient both for his immediate punishment, and for binding him to future good behaviour: I therefore entertained no serious thoughts of expelling him, or proceeding otherwise to violence; but when *he* and his people broke out into the most atrocious acts of rebellion and murder; when the *Jus fortioris et Lex ultima Regum* were appealed to on his part (and without any sufficient plea afforded him on mine) I from that moment considered him as the traitor and criminal described in the charge; and no concessions, no humiliations, no submissions, could ever after induce me "to settle the Zemindary of Benares, or any other territory, upon him, on any footing whatever."

Minutes delivered by me at the Council Board during the time that the cession of the Sovereignty of Benares and Gazipoor was negotiated with the Vizier, are quoted *against me* in the 28th clause of this part of the charge. The minute in question does undoubtedly contain my sentiments at that period, but those *sentiments went for nothing*: General Clavering and his majority decided against my opinion; "*the measure is strictly and exclusively their own*;" I, therefore, have nothing to do with it. But when, by the death of two who composed that majority, I became somewhat more than a mere pageant in the Administration, I necessarily resumed the business where they had left it; I considered Cheyt Sing precisely what *they had made him*, a tributary landholder; not what *I would* have made him (but was over-ruled) an independent Prince, and a powerful Ally, placed as a barrier between the Vizier and Government of Bengal.—*I would have caused the Company's tribute to be received at Patna within the Company's Provinces: They caused it to be received at Benares.*—*I would have renounced the sovereignty of his country: They assumed it.* The *sovereignty* which they *assumed*, it fell to my lot, very unexpectedly, to *exert*; and whether or not "such powers, or powers of that nature, were delegated to me by any provisions of any Act of Parliament," I confess myself too little of a lawyer to pronounce. I only know, that the acceptance of the *sovereignty* of Benares, &c. is not acknowledged or admitted by any act of Parliament; and yet, by the particular interference of the majority of the Council, the Company is clearly and indisputably seized of that sovereignty. That if, therefore, the *sovereignty* of Benares, as ceded to us by the Vizier, have *any rights whatever* annexed to it (and be not a mere empty word without meaning) those rights must be such as are held, countenanced, and established by the law, custom, and usage of the Mogul Empire, and not by the provisions of any British Act of Parliament hitherto enacted. *Those rights* (and none other) I have been the involuntary instrument of *enforcing*. And if any future Act of Parliament shall positively, or by implication, tend to annihilate



annihilate those very rights, or their exertion, as I have exerted them, I much fear, that the boasted sovereignty of Benares, which was held up as an acquisition almost obtruded upon the Company, against my consent and opinion (for I acknowledge that, *even then*, I foresaw many difficulties and inconveniences in its future exercise) I fear, I say, that this sovereignty will be found a burthen instead of a benefit; a heavy clog, rather than a precious gem, to its present possessors. I mean, unless the whole of our territory in that quarter shall be rounded, and made an uniform compact body, by one grand and systematic arrangement; such an arrangement as shall do away all the mischiefs, doubts, and inconveniences (both to the Governors and governed) arising from the *variety* of tenures, rights, and claims in all cases of landed property and feudal jurisdiction in India; from the informality, invalidity, and instability of all engagements in so divided and unsettled a state of society; and from the unavoidable anarchy and confusion of different laws, religions, and prejudices, moral, civil, and political, all jumbled together in one unnatural and discordant mass. Every part of Hindostan has been constantly exposed to these and similar disadvantages ever since the Mahomedan conquests. The Hindoos, who never incorporated with their conquerors, were kept in order only by the strong hand of power. The constant necessity of similar exertions would increase at once their energy and extent, so that rebellion itself is the parent and promoter of despotism.

Sovereignty in India implies nothing else; for I know not how we can form an estimate of its powers but from its visible effects—and those are every where the same, from Cabool to Affam. The whole history of Asia is nothing more than *precedents* to prove the invariable exercise of arbitrary power. To all this I strongly alluded in the minutes I delivered in Council, when the treaty with the new Vizier was on foot in 1775; and I wished to make Cheyt Sing independent, because in India *dependance* included a thousand evils, many of which I enumerated at that time, and they are entered in the 9th clause of the first section of this charge. *I knew the powers with which an Indian sovereignty is armed, and the dangers to which tributaries are exposed.* I knew, that from the History of Asia, and from the very nature of mankind, the subjects of a despotic empire are always vigilant for the moment to rebel, and the Sovereign is ever jealous of rebellious intentions. A Zemindar is an Indian subject, and *as such* exposed to the common lot of his fellows. “*The mean and depraved state of a mere Zemindar*” is, therefore, this very dependance above mentioned on a despotic Government—this very proneness to shake off his allegiance, and this very exposure to continual danger from his Sovereign’s jealousy, which are consequent on the political state of Hindostanic Governments. Bulwant Sing if he *had been*, and Cheyt Sing as long as he was, a Zemindar, stood exactly in this “*mean and depraved state*” by the constitution of his country. I did not make it for him, but would have secured him from it. *Those who made him a Zemindar* entailed upon him the consequences of *so mean and depraved a tenure*. Ally Verdy Cawn and Cossim Ally *fined* all their Zemindars, on the necessities of war, and on every pretence, either of Court necessity, or Court extravagance.

I have but few words to alledge in my own behalf on the depositions, affidavits, and other testimonies annexed to my narrative. Every man will see that in so singular a situation I could do no otherwise. If the means I made use of were *the best in my power*, I stand acquitted of neglect or ill intention. The persons who have given their several testimonies on the occasion were not selected for the purpose *by me*, but are such as were on the spot, and who owed their knowledge of the transactions either to actual inspection, or to sharing a part of the common difficulties: How such of the evidence as was attested upon oath could be “*not fit or decent to be taken by a British magistrate, or to be transmitted to a British Government*,” I am still at a loss to comprehend. I have always thought that an affidavit might be sworn to *before any of his Majesty’s Justices of the Peace*, whether in or out of the particular and local jurisdiction of that magistrate. British subjects could certainly swear with propriety *before no other person whatever*, while such a magistrate was on the spot; and if I had neglected this precaution, I cannot doubt but it would have been converted into a much more formidable charge against me, “*that, with every opportunity for completely vindicating all the steps I had taken in this affair, I had most shamefully, and fraudulently, and unjustifiably omitted to have the several circumstances detailed in writing and upon oath, although one of his Majesty’s Justices was upon the spot at the time.*” In a matter of mere affidavit, (no trial in a Court of Justice then pending) I never have heard that it was usual, or expected, or necessary to have a person present “*to object to the competence or credibility, or relevancy of the affidavit.*” To the admission of *such objections*, a Justice of Peace, *out of his local jurisdiction*, is certainly *not competent*: It alters the very nature of the function; and would constitute a judicial process between two parties, before a Judge who holds no Court, and to whom neither party is amenable. But these are sophistries totally unconnected with the main question. I deemed Cheyt Sing a *rebel* and a *traitor*; I accordingly rejected his submissions, and expelled him from his Zemindary. The affidavits are meant as *proofs* of his rebellion for the satisfaction of *others*: *My own conviction* wanted no such assistance; nor would any objections *he could have made* ever shake a tittle of my opinion. My superiors,



the Court of Directors, in their letter to Bengal of the 28th January, 1784, have said, "After the resistance which the Rajah had made, *no countenance could be consistently shown him; nor was any measure for his restoration ever proposed.*" To them, therefore, and to their sense of the Rajah's guilt, I may appeal for the propriety of transmitting those testimonies. It was a mass of evidence, which on the whole proved the sufficiency of the grounds on which I have acted.

#### P A R T IV. and V.

I AM here accused of having caused a *second*, and then a *third* "revolution in Benares:" That is, the removal of a Collector or Receiver General of the Province is put on the footing of a dispossession of the immediate landholder and Zemindar; which amounts nearly to asserting, that the dismissal of a Ministry in this country is as *complete a revolution* as the abdication of James the Second. The expulsion of Cheyt Sing was indisputably a "revolution"—I have always called it so. The subsequent arrangements were mere internal corrections of a system which experiment proved to be imperfect. When a new system was to be formed with the successor of Cheyt Sing, (who, not being his heir, *had no claim of right*) I saw no objection to making the Company's interests my first principle of action. The easy accumulation of too much wealth had been Cheyt Sing's ruin; it had buoyed him up with extravagant and ill-founded notions of independence, which I very much wished to discourage in the future Rajah. Some part therefore of the superabundant produce of the country I turned into the coffers of the Sovereign, by an augmentation of the tribute. To the mint, and the exercise of criminal justice, we were exclusively entitled by the very *act of cession from the Vizier*; and they were both given up to Cheyt Sing as a matter of personal favour *only*: That we had not given up to him the *right* as well as the *function*, is proved by the paragraph above quoted, where an arbitrary penalty, and *actual deprivation*, are denounced against him for the very first abasement of coin, by the authority of the Council, without my participation in the act. These two, therefore, I resumed, from conviction of its being proper and necessary so to do. The *one* is held by the British Resident, nominated and appointed by the Company, Mr. Fowke, by whom I believe it to have been most honourably conducted; the *other* I intrusted, with some new and necessary modifications, to a Mahomedan of the first abilities in India, and of the most unimpeachable integrity; under whose administration tranquillity, good order, and security have taken place in a degree never before experienced in Benares. The inhabitants have greatly increased since that period, and upwards of 2,500 houses (as he informs me in a letter I have lately received from him) have been added to the city. To obviate misunderstanding, I must observe, that the administrator of criminal justice in Benares has always been of the Mahomedan religion; and was always appointed by Sujah ul Dowlah himself to the day of his death. Of the events subsequent to Cheyt Sing's expulsion, I conceive a very slight account to be sufficient. I settled the affairs of the Zemindary at that period with as much care and circumspection as the shortness of the time, and the variety of my employments, would permit. It happened (for which I was by no means blameable) that the persons in whom I entrusted the executive powers of the Zemindary, and whom I chose because they were the nearest relations of the Rajah, were inadequate to the duty. I had reason to doubt their integrity as well as capacity, and therefore I caused them to be removed. A *second* experiment proved equally unsatisfactory, and from the same causes. I was therefore reduced to exert the same remedy; but during these necessary, and *by no means extraordinary*, changes of Ministry, the Rajah himself and his people were in perfect security: The very removal of the effective administrator, on his oppressive conduct and official peculation, has operated on the minds of the inhabitants very greatly in favour of British integrity and good government. It is a fact, and I can adduce very many gentlemen now in London to confirm my assertion, that the countries of Benares and Gazipoor were never, within the memory of Englishmen, so well protected, so peaceably governed, or more industriously cultivated, than at the present moment: And as for the city of Benares, I appeal to the letters which have been lately received from Madajee Scindia, by his Majesty and the East-India Company, and which were written months after my departure, to prove, that my regulations had not only contributed greatly to the peace and good order of that city, but had extended the credit and reputation of the English Government to every part of Indostan and Deccan.



## P R E F A C E   T O   T H E   F O U R T H   C H A R G E .

**B**EFORE I proceed to reply to the charges respecting my conduct to the Begums, and on the affairs of Owde, I must observe that they contain particulars of which I was totally ignorant until I read them in the charges. I am, therefore, very much indebted to the assistance of Mr. Middleton, and to the information of gentlemen who were in Owde when the transactions alluded to happened. By these aids, I have been enabled to reply fully to these charges; and every assertion in my reply is capable of proof, either by documents now before this Honourable House, or by evidence ready to be produced at its Bar. For the convenience of this Honourable House, I shall reply to these charges, not as they are numbered, but as the subjects are connected. First, "the Princesses of Owde;" second, "misdemeanors in Owde;" third, "destruction of the Rajah of Sahlone;" and, fourth, "Furruckabad."

## C H A R G E   T H E   F O U R T H .

## P R I N C E S S E S   O F   O W D E .

**I**T is certainly not true, that the Nabob of Owde was ever under the controul of the Bengal Government, in the extent stated in this charge. That the Resident, who represented the Council General, had an influence at his Court, cannot be disputed; but it is notorious that the acts of the Nabob's Government were, on various occasions, remonstrated against, and ineffectually opposed by the Resident, as may be seen by the public correspondence of Messrs. Middleton and Bristow. It cannot, therefore, be admitted, that "the English name and character were concerned in every act of his Government, or in any not authorized by them."

Allowing it to be true, that the country of Owde was in a flourishing state before our interference, surely I cannot be chargeable with the evils resulting from the system we established, since I gave all the opposition I could to the first introduction of it. The system was undoubtedly very defective, and generally prejudicial to the Nabob's affairs, inasmuch as it necessarily established a degree of interference in his government, undefined by any precise rule; which however discreetly used, could not fail to weaken his authority, and in many cases to be productive of all the evils consequent on a divided government. The Resident, for instance, though officially competent to no positive act of his own, found himself, on some occasions, driven to the necessity even of opposing the execution of the Nabob's orders to the officers of his own government, as the only means of defending the securities made over to him for the public claims of the Company; for however willing his Excellency may have been to grant assignments for the liquidation of his debt, he was never very scrupulous of infringing them, when pressed by other importunate creditors, but has frequently granted Tuncaws upon Aumils, whose revenue, to its utmost amount, he well knew had been previously assigned over to the Company. In such cases the Resident, though invested with no ostensible authority, would have failed in his duty, had he not resisted, and exerted every means in his power to maintain his priority of claim, however conscious he might be that in so doing he weakened the authority of the Nabob in the eyes of his Aumils and subjects in general. This conduct of the Nabob forced the Resident into a competition with his authority, and exhausted the revenues of the assigned lands, by giving new drafts, with new powers, on what was already pledged to its utmost extent, which may have been one source of the decline of the Nabob's country, since our connection with it; but more obvious ones may certainly be traced, in the great and constant drain of specie from the Nabob's into the Company's provinces; in the supineness and inactivity of his Excellency's administration; and, lastly, in the calamity of three successive years drought, which, if we may judge from the fatal experience of a single year's failure of the natural rains in our own provinces, would have left them an entire waste, without cultivation or inhabitants. The estimate of the revenues of Owde at the present Nabob's accession to the Government, as given in this charge, is fallacious; for, from the year 1777, when I re-appointed my own Agent to the Nabob's Court, the revenue never amounted to any thing like



like the sum stated, even if the revenues of Benares were included. Two millions sterling would have been much nearer the reality. The revenue never was equal to the enormous burthen of the two English brigades, with the progressive liquidation of the accumulated heavy balance, and the ineffectual endeavour to realize such claim, from the common resources of the country, was ever a source of the greatest embarrassment and distress to the Nabob's affairs. The balance on the annual Tuncaws or assignments was always considerable, but never greater than it was at the time of Mr. Bristow's first removal, and Mr. Middleton's appointment to the Court of Oude, (the beginning of 1777) nor the confusion in the country more serious or alarming, as may be proved by the public correspondence of that period. But neither shall I, nor the Resident of my choice, be chargeable with any of the evils antecedent to that time, as the whole powers of government were lodged in other hands.

The most rigorous means were adopted, and even threats of military execution resorted to in the time of the late Resident, Mr. Bristow, in the year 1776, to exact the payment then made by the Begum; nor would any softer methods have availed, as she declared "she would sooner throw her treasures and jewels into the river, than advance the Nabob a single rupee." Her jewels, cloaths, and household utensils, were permitted to be taken in default of ready money payments, and converted to the Company's use by public auction in Calcutta, without any disapprobation having been signified by the Council General, either of the principle on which the claim had been made on the Begum, or the mode of enforcing it. All delicacy was necessarily laid aside; and it became now a question, "whether the Nabob," as Mr. Bristow stated, "should *seize his right*, or suffer a lack of souls to perish, and the sovereignty of these provinces to be transferred to another family." The Board, so far from disapproving this doctrine of Mr. Bristow, that two of the Members, Colonel Monson and Mr. Francis, recorded their opinion, "That the Begum who succeeded to the treasures should pay *all the sums due to the Company*;" and Mr. Francis expressed his astonishment, that the Begum, "in a country where women are not allowed a free agency in the most trifling domestic concerns," should, as the condition of yielding up those treasures, claim an interference in the Nabob's government, and "presume to talk of appointing Ministers, and governing kingdoms." The concluding words of Mr. Francis are very strong, "With respect to receiving her into the Provinces, I shall have no objection, provided she can *obtain the Nabob's consent*; without that, she can have no right to remove the *immense wealth she possesses*, or even *her own person*, out of his dominions." These were the opinions of two of the leading Members of the Council at that time, on the claim set up by the Nabob, and the *independent rights* of the Begum; and yet there was then no accusation against her of notorious disaffection and conspiracy. "The treasures she possessed," Mr. Bristow said, "were the treasures of the state, as she had not succeeded to them by any legal title;" the Nabob was, therefore, strictly justified in demanding them; and if there was anything in the whole proceeding, which did not accord with the sentiments of people in general, it was the part we officiously took to prevent the Nabob's recovering the *whole* of his patrimonial estate from those who fraudulently withheld it from him. He was charged with the whole of his father's debts; his life was repeatedly endangered by the insurrections of his troops, who had been left many months in arrears; and he was moreover divested by us of a valuable part of his dominions; and yet we prevented him from availing himself, as he had undoubted right to do, of the means which were left him of satisfying those debts; the whole of which had been incurred in the accumulation of the very wealth he was now contending for.

It is not true, that the Begums were left in charge of the late Nabob's treasures, or other valuable effects, for the purposes set forth in the Charge, of maintaining his offspring and dependants; the old Begum, the mother of Sujah ul Dowlah, is entirely out of the question, having had no presents entrusted to her care, but she became possessed of them in her capacity of trustee and treasurer of the deceased, who for some time before his death "deposited the surplus of his revenues with the Dow Begum, to provide against an emergency." Hence the whole of his property, of what sort soever, was in her custody at the time of his death, but still as a deposit, though from the hands of his mother; for they were the rights of the State which she had in charge.—But I must repeat, that I disapprove, and still condemn the interference of our Resident; because we had no concern in it, and our credit suffered in the opinions of mankind, from the natural disgust which would be excited by a contention between a son and his mother, and by our appearance as incendiaries, instead of conciliators in it: But no man could ever assert or believe that it was therefore her own. It was undoubtedly a constituent part of the hereditary estate, which devolved to the Nabob Asoph ul Dowlah on his father's demise, and as such ought to have been wholly delivered up to him; but the Begum refused to give up anything, until coercive measures were threatened, and then she consented only to the payment of *thirty*, out of *one hundred and seventy lacks*, which Mr. Bristow declared, that, on the most moderate computation, she possessed; and making a merit even of this condescension, she was suffered to demand, and actually to exact, from the Nabob, an increase of Jaghires to ten times the amount of the income which had been settled upon the old Begum by her deceased son,

Sujah



Sujah ul Dowlah, for the maintenance of herself, and the numerous family and dependants of her late husband, Suddur Jung. The agreement thus entered into between the Nabob and his mother was ratified by Mr. Bristow, without any authority; but "as the urgency of the case rendered it necessary, the Board approved the ratification." The Board, I have said, approved of it, and I was a Member of the Board, but I was an inefficient Member of it; the whole of this transaction having passed under the order and guidance of the majority of the Board, which excluded me from any share in their acts, equally in such as I approved, and in such as I disapproved. It will appear, from the preceding reasoning, that I approved of the Nabob's assertion of his own right to re-claim the treasures of his inheritance.

It is not true that the women and children of the late Nabob were left, or intended to be left, dependent on the Bow Begum. They were separately provided for, and though from the failure of the funds assigned for their maintenance, they were too often subjected to great inconvenience, they never experienced any acts of benevolence from the Begum, beyond an occasional donation of a few rupees to the children, when she condescended, which was indeed very seldom, to permit them to wait upon her. Neither is it true, that the Jaghires were left the Begum by the late Nabob. At the time of his death, the districts which afterwards constituted the Jaghire were held by the Begum on the footing of a farm, under the name and management of Jewar Ally Cawn, with whom the accounts of the same were annually adjusted at the Khalsa. To the present Nabob, therefore, she was indebted for the principal part of her Jaghires.

The treaty and guarantee, though ratified, it would appear, by the Council only, because "the urgency of the case rendered it necessary;" and, though the Begum, before six months had elapsed, had, by Mr. Bristow's acknowledgment, "forfeited her claim to the protection of the Company, by infringing the conditions of the treaty to which they were guarantees," were most sacredly adhered to by me, until the misconduct of the Begums and their dependants, on the occasion of the insurrection at Benares, would have made it an act of the greatest injustice in the Company to themselves to continue their protection: the guarantee was then withdrawn, and the Nabob was permitted to renew and prosecute his claim to his inheritance. Previous to that period, the Resident, by my orders, on all occasions employed the utmost influence of his station, to guard the Begums' assumed privileges from invasion, and in various instances, as will appear from his public correspondence, did oppose, almost by violence, the designs of the Nabob, where they were hostile or offensive to the Begum. He repeatedly went to Fyzabad, purposely to mediate between the Nabob and his mother, and reconcile mutual animosities; which, on one side, were perpetually excited by the jealousy and interested views of the two principal eunuchs, Jewar and Behar Ally Cawn; and in every other instance whatsoever, he invariably shewed that attention and respect to the Begum, which was due to her from the near relation she bore to our ally. This the Bow Begum herself admitted, observing, in her letter to Mr. Bristow, "That the Nabob, her son, had once before threatened to seize her Jaghire, but Mr. Middleton interfered, and prevented it;" and there is not the shadow of a doubt, that but for this interposition, his Excellency would long before not only have seized her Jaghires, but have wrested from her the treasures she unjustly withheld from him.

The Nabob was permitted to resume the Jaghires, because they were found highly prejudicial to the revenue of the state, and he granted, to such as were entitled to that indulgence, stipends in money equivalent to the net produce of their lands. The Begums were expressly provided for, and the payments were to be made them, not at the discretion of the Nabob, but from the Company's Treasury under charge of the Resident. Where then was the pretended injury, since the Begums were regularly to receive, *according to their own statement*, to the utmost amount of what they ever realized from their Jaghires? This proposal was repeatedly made to them in writing, and fully explained to their agents, by the Nabob, his Ministers, and the Resident, but was answered with the grossest indecency and abuse, and the most violent denunciation of vengeance on the whole country, in case their Jaghires were touched. With respect to the other Jaghirdars, excepting only the Nabob Salar Jung, and a very few others, they were generally the meanest and most contemptible of the Nabob's subjects, and in no shape deserving of his bounty. They were, in short, his Orderlies, and other persons of that stamp, the companions of his looser hours. The personal influence of these men, which was very powerful, was naturally exerted to defeat a design which so materially affected their interests, and not without considerable efficacy, as appeared by the Nabob's subsequent conduct when the measure of resumption came to be carried into execution. It was on their account only that any difficulties were started, and could these men have been exempted, his Excellency would most certainly have made no hesitation about the rest; but it would indeed have been a disgrace to the influence which we were supposed to have acquired in this Government, to have suffered a partial distinction in favour of such unworthy objects.



No injury was intended, or could possibly arise, to the Begums, from the resumption of the Jaghires; they were found destructive of the Nabob's revenue, and dangerous to the very existence of his Government; they had been made the sources to feed a rebellion. It was necessary therefore to resume them; and the only change which the Begums' situation could undergo from it, was the substitution of the Nabob's agency, with the pledged security of the Company's Resident, in lieu of that of their eunuchs Jewar and Behar Ally Cawn. No stipulation was made in favour of any other Jaghirdars, because the faith of the Company was not concerned in it.

The two distinct acts, of resuming the Jaghires, and seizing the treasures, are confounded, and improperly made to originate from one and the same cause, viz. the defection of the Begums in the insurrection at Benares. At the time that the resumption of the Jaghires was resolved on, the conduct of the Begums, though strongly suspected, was not sufficiently ascertained to justify the depriving them of Jaghires held under the pledge of the Company, without an equivalent; and accordingly a full compensation was stipulated. Their conduct, in openly and most violently opposing, by armed force, the Nabob's orders for the resumption of the Jaghires, though they were not to be losers by it; their exciting their agents and other Jaghirdars to unite in forcible resistance; and, lastly, the subsequent information which was obtained of their zeal and activity in supporting the rebellion of Rajah Cheyt Sing, and spreading its consequences through the Nabob's dominions, for the declared purpose of our extirpation, were the grounds of withdrawing the Company's guarantee, and of the consequent confiscation of their treasures. Admitting the facts alledged in the Resident's correspondence, and confirmed by the solemn testimony of so many witnesses, both native and European, and of the latter many (fortunately for my honour) are in England, who could be no ways interested in the issue, no man surely can dispute the propriety of this measure, whether its justice or policy be made the criterion of judging it; most assuredly, no unprejudiced man in the country, whether native or European, ever entertained a doubt of the Begums' having been extremely active in promoting the insurrection at Benares, and in the Nabob's country: it remains, therefore, for justice to decide, whether in so doing they did or did not forfeit their claim to the protection of the Company, by which alone they had hitherto maintained whatever they possessed.

When the Nabob so earnestly desired my sanction for the resumption of the Jaghires, he certainly had in view only the Begums' and a few others of magnitude, which he considered protected, either by the guarantee or favour of the Company. He could not be supposed to ask my sanction to the resumption of grants, in which the Company's faith was no ways concerned; but, being aware that his Excellency intended a partial resumption, reserving the Jaghires of his particular favourites, who from their characters and conduct ought to be the first proscribed, I determined to defeat the design, by advising him to make the resumption general; and he engaged to follow my advice. The consequence of this his Excellency did not at the time advert to, but when he discovered that, by the spirit of the agreement, and my determined adherence to it, he was precluded from shewing any partiality, and moreover that the produce of the Jaghires, when resumed, instead of coming immediately into his possession, was to be appropriated to the liquidation of his debt to the Company, for which I expressly stipulated, he became indifferent, and even apparently averse to the resumption. He was also, as I have already remarked, greatly influenced by the inflammatory suggestions of incendiaries and personal favourites about him, who counteracted my designs in all my proceedings with his Excellency, by dissuading him from a measure by which their interests would be so much affected. To those who are personally acquainted with the Nabob, it will not appear extraordinary that all these causes, combining and operating upon his mind, should have drawn him into inconsistencies of conduct, which to others may seem irreconcilable.

It is not true that Sir Elijah Impey was at Lucknow when I communicated my sentiments through him to the Resident, respecting the Begum's treasures. Sir Elijah was with me at Chunar, and the Resident did avail himself on this and other occasions of that gentleman's presence and confidential intercourse with me, to ascertain my wishes on certain points, which the multiplicity and importance of the business which I was then engaged in prevented my communicating so fully by letter.

The English troops were not employed at Fyzabad until the Nabob formally demanded their aid, in consequence of hostile preparations to resist his claim upon the Begum for his deceased father's treasures, which he deemed his own force unable to repel. The eunuchs were seized, not for the purpose of extorting money, as assumed in the Charge, but as the agents and principal instruments of exciting the insurrections before alluded to, and for actual rebellion.—The

Nabob



Nabob had declared his firm intention, by letters to myself and the Resident, long before he went to Fyzabad, of seizing and severely punishing the two eunuchs of his mother, not only for their shameful and insidious conduct during the troubles at Benares, but for their long and unremitted treachery, particularly to himself, in seeking every occasion of embroiling him with both his parents, and openly insulting his authority; a conduct they had invariably pursued from the death of the late Nabob his father. "They have preserved (says Mr. Bristow, in his letter of the 25th of January, 1776) a total independence of the Nabob's authority, beat the officers of his government, and refused obedience to his Perwannahs." Their persons were accordingly seized on the Nabob's arrival at Fyzabad, and secured under a strict guard of the *Company's troops*, the Nabob not thinking it prudent or safe to trust them in the custody of his own *sepoys*, whilst surrounded with such large parties of their armed men assembled in the neighbourhood, who had declared themselves equal to any contest with his Excellency's force, and determined on a desperate resistance, had the attack upon them at Fyzabad been made by his strength alone. So confident, indeed, was the Begum in her own strength, under her two commanders, Jewar and Behar Ally Cawn, that she did on all occasions profess to hold the troops of the State in the utmost contempt, and opposed them without ceremony "Do not you," says she to Mr. Bristow, "take any part in the affair, and let Asoph ul Dowlah and Murteza Cawn (the Nabob and his Minister) in whatever manner they are able, endeavour to take sums of money from me—they will then see the consequences."

Upon a review and due consideration of the situation of affairs at Fyzabad, it appearing that these two eunuchs were capable of affording the Nabob the most effectual assistance in the recovery of his claims on the Begum, and that in fact there was very little probability of succeeding without their aid, it was deemed good policy to tempt them with assurances of a mitigation of their punishment, in proportion as they might exert themselves in the business. They, in consequence, promised every assistance in their power, and charged themselves with the whole claim, which, after a tedious negociation, was compromised at sixty lacks. On the strength of this engagement the eunuchs were permitted (in custody however of a sufficient guard) to return to their habitations in the town, for the declared purpose of acquitting themselves of their obligation, which they owned they could accomplish in three days; they, however, broke this engagement, and were guilty of such equivocation, falsehood, and evasion, produced probably by their intercourse with the Begums, as rendered it necessary, in the judgment of the Nabob and his Ministers, to recur to rigorous treatment, as the only means of bringing them to an immediate adjustment, which it was well known, from their situation with the Begums, was within their reach. The conditional obligation of their compromise with the Vizier was, that they should procure the immediate payment of his claim upon the Begums, and in return they were promised lenity. They wilfully broke the terms of the agreement, and it was therefore justifiable to replace them in the situation in which they would have stood, had no such compromise taken place; and they had added to their other offences the recent violation of a solemn written obligation; but upon their again giving the strongest assurances of satisfying the Nabob's claim, a new agreement, under the sanction of the Begum, was entered into, in which they were allowed one month (considerably more than they had even asked) to pay up the balance, and they were in consequence freed from their restraints, the Nabob returning to his capital, leaving an Agent of his own with a proper guard to conclude the business. It very soon, however, appeared, that this agreement was meant only to amuse and carry the Nabob from Fyzabad, for at the expiration of the limited time very little had been paid, and only idle, fallacious, and insulting pretences, with renewed promises, offered in excuse for the failure. Could then the Nabob, who knew that these men had the means of satisfying his demand in one hour, be blamed for again directing recourse to severities, as the last and only resort? There could be no doubt of the ability of the parties to comply with the demand; for, notwithstanding the pretences which were used after the delivery of the sum obviously deposited with Behar Ally Cawn, for the purpose of concealing the secret hoard in the Begum's own charge, and the poor expedient of delivering jewels and effects to impress a belief of her having yielded up all, there is every reason to suppose, from the best informations that could be obtained from the Ministers, and others conversant in the late Nabob's affairs, confirmed by the testimony of Mr. Bristow, who says, "it is generally believed the Begum has four crores in her possession; but I fancy I may venture to say, she has *one crore and seventy lacks*," that the claim now made upon her did not amount to *one-third* of the actual wealth in her possession. The circumstance of her yielding up jewels, plate, &c. declaring herself possessed of no other means of satisfying the demands, will not appear deserving of attention, when it is remembered that the same pitiful expedients, and the same stories of poverty and wretchedness, were practised on a former and similar occasion. The Nabob's right was uncontrovertible, and the exigency of his affairs, with his own and the Company's troops, who were dependant on his resources, almost in a state of general mutiny for their pay (our troops six months in arrear) strongly compelling him to assert it (setting aside the treachery of the Begums and their Agents, and the political danger of leaving them with such powerful means of extending their pernicious



cious influence) it must rest with this Honourable House to decide the question, whether it was allowable, "when the Nabob was reduced to such distress, that his mother should uselessly "keep up *immense treasures*," declared to be the Treasures of the State; or how far he was warranted in directing the course he did, no other being practicable, to obtain his lawful demands.

In respect to the eunuchs, it may suffice further to say, that to those who were acquainted with their conduct during the rebellion of Benares, and subsequently on the occasion of resuming the jaghires, when they marched their troops in every direction, for the avowed purpose of resisting the Nabob's orders, and in the most unreserved manner encouraged others to follow their example, the treatment they met with cannot appear harsh or undeservedly severe; on the contrary, it was the general opinion that they merited even death, and death probably would have been the immediate portion, at least of Behar Ally Cawn, had the Nabob been left uninfluenced to the gratification of his own well-grounded resentment.

I have conducted the narration of the preceding detail to its close, without chusing to interrupt it, or disturb the attention of my Honourable Hearers by the concluding observation, which I now think it necessary to make upon it; because I hold the whole series of the acts thus connected strictly reconcileable to justice, honour, and good policy, whoever were the parties concerned in them: but I must at the same time affirm, that these acts, whether right or wrong, are not mine, though originating from me, in my consent yielded to the Nabob at his special instance, that he should reclaim the treasures kept back from him by his mother, and the jaghires from all the jaghierdars, and from my subsequent claim, which I avow to have been most peremptory, that my consent to a measure liable to such a variety of constructions should not be perverted to an instrument of private compromise, or the consistency of my character forfeited by its being withdrawn after such rigorous and public denunciations of it. My last orders, therefore, for its execution, is all that I am answerable for. The rest depended upon the instruments which were employed in it, and so little on myself, that I was ignorant of the whole mode of its execution, till it was done; and so far as I am concerned in it, the whole Board were equally concerned and unanimous.

Upon the letters of Colonel Hannay and Captain Gordon, quoted by the Bow Begum, in proof of her innocence of the conduct imputed to her and her servants, it is only necessary to observe, that they were written at a time, and under the impression of the Begums having it very much in their power to contribute to the safety, or possibly to the destruction, of Colonel Hannay's detachment, then in a very precarious situation in the neighbourhood of Fyzabad, and at a time too when our affairs at Benares were supposed by those officers to wear an unfavourable aspect. The Colonel's first object was to procure safety for the person of Captain Gordon, who was at the mercy of the Begums and their eunuchs; and for this purpose he thought no means so likely to succeed, as declaring an implicit reliance on their friendship and good faith, and affecting to consider himself under obligations to them. Captain Gordon, however, most probably owed his salvation to another influence. Soon after he fell into their hands, by the treacherous conduct of Behar Ally Cawn's Naib and adopted son, at Tanda, the news of some successful operations of our troops at Benares reached the Begums and as affairs began to promise a speedy and decisive issue in our favour, it is not surprizing that the Begums and their Agents should endeavour by acts of kindness to efface the impression which they must have been sensible their conduct had made to their discredit. This was the explanation given by Colonel Hannay to Mr. Middleton of the motives of his conduct to the Begums at that period; and the letters alluded to cannot possibly bear any other construction, without an imputation on the veracity and moral character of the late Colonel Hannay, which his reputation and general conduct in life will not warrant.

The testimony of Colonel Hannay cannot now be had, but his explanation to Mr. Middleton of the motives of his conduct to the Begums and their Agents at that critical conjuncture of his own and the national affairs, that Gentleman will be ready at any time to certify on oath; and the evidence of Captain Gordon may possibly throw further light upon the subject.



## ANSWER TO THE FIFTH CHARGE.

## F U R R U C K A B A D.

**I**N a Government constituted like that of Furruckabad, it was extremely difficult, and perhaps utterly impossible, to form any regular permanent system. The Nabob Mozuffer Jung, as described by every one, was a weak incapable man, and had the misfortune generally to be under the guidance of Counsellors nearly as incapable as himself, and wholly destitute of integrity. Upon Mr. Bristow's first appointment to the Court of Oude, when I was a mere cypher in the Government, he invested Mirza Abdulah Beg with a controuling authority over the affairs of the Nabob of Furruckabad, which he exercised in the name of the Nabob Vizier, but in effect under the exclusive directions of Mr. Bristow himself. The Nabob Mozuffer Jung grievously complained of the oppression of Abdulah Beg. I am free to confess, that we interfered very improperly in the affairs of Furruckabad, and that in fact the appointment might with more propriety be called the appointment of Messrs. Francis and Wheeler than my own. The peculiar circumstances of Mr. Shee's situation, which I forbear to detail to this Honourable House, rendered it necessary, if possible, to procure him an appointment *out of Calcutta*; and the Board sent him, with my consent, to Furruckabad. This, however, was an expedient of no avail, for equally loud were the complaints of Mozuffer Jung against the Company's Agent; and notwithstanding the supposed improbability of his soliciting redress from the Vizier, who was considered as the source of all his grievances, he actually did supplicate him to procure the recall of Mr. Shee, declaring the utmost readiness to receive any native Agent his Excellency might depute. Mr. Shee was recalled at the requisition of the Vizier, who was left to adjust his claims with Mozuffer Jung in the best manner he could: But it did very early appear to my judgment, that Mr. Shee's removal had given place to the exercise of a still worse tyranny; and Mozuffer Jung having made heavy complaints against the Vizier's Agent, which he accompanied with an offer of satisfying all the demands of the Vizier, if the uncontrouled management of his affairs was restored to him, I again exerted my influence against a very strong opposition, and procured, with great difficulty, the recall of the Vizier's Agent, leaving to Mozuffer Jung, as he had desired, the entire management of his own affairs. But instead of the measure being productive of the good consequences which I hoped, viz. relieving Mozuffer Jung from oppression, and securing the payment of the Nabob's debt, it did in an extraordinary degree tend to encrease Mozuffer Jung's embarrassments; for, from the knavery of his servants, he was deprived of the scanty means of subsistence which had before been allotted him, and during the whole year not one rupee of his debt to the Vizier had been paid.

Under these circumstances, it would have been an act of injustice to the Nabob, without any benefit to Mozuffer Jung, to continue our interference.

The former orders to the Resident at Lucknow were therefore annulled; and instead of preventing the Vizier from recovering his claims on Mozuffer Jung, which had been the effect of our mediation, he was directed to assist his Excellency with every means in his power to effect it. Mr. Willes was afterwards appointed the Resident at Furruckabad, "from a sense of submission to the implied orders of the Directors;" and since my departure from Bengal, the Council have thought proper to invest Mr. Willes with powers, which I conceived we were not competent to give him consistently with our engagements with the Nabob Vizier. I am not responsible in the slightest degree for the good or bad Government of Furruckabad; and I might, with equal propriety, be arraigned for the calamities which the late war has entailed upon Great Britain, as for the misfortunes of Mozuffer Jung.



## ANSWER TO THE SIXTH CHARGE.

*RAJAH of SAHLONE.*

**O**F this Charge I know no more, than that I permitted, rather than ordered, a party of the Company's forces, under the prescribed, but general destination, to pursue the Chief of a herd of Banditti, which infested the dominions of the Nabob of Owde, our Ally, to death, the punishment which he merited. For the particulars of this transaction, as of the principal part of those which relate to the former charge, I am also indebted to Mr. Middleton.

Bulbudder was formerly a Zemindar, or landholder, under the Subah of Owde, but was deprived of his Zemindary, and expelled the country, many years ago, by the late Nabob, or his predecessor Sufdur Jung (for the period is too far back to trace it with any certainty) for misconduct. He took up his residence in the Mahrattas or Bundeicund territory, across the river Jumna, and built or purchased a strong fort, to keep his family and effects in it. For many years afterwards he constantly made incursions, with a numerous Banditti, into the Vizier's country, when the crops were ready to gather in, and levied very heavy contributions on the farmers, which they were obliged to comply with, to save their harvest from destruction. He was repeatedly proceeded against by the late Nabob; but his motions were too sudden and rapid to be counteracted by force, and he had generally accomplished his object, and returned to his strong hold with his booty, before a detachment could be brought to act against him, and not unfrequently even before any intelligence of his invasion had reached the Court. Upon the district of Sahlone, which lay contiguous to his retreat, and consequently most subject to his depredations, being given in farm to the Bow Begum (for in the time of Sujah ul Dowlah she had it on no other footing) she found it expedient, as she could not always command a force to be sent to oppose him, to bribe the traitor not to molest her dependencies. He, however, notwithstanding this compromise, did continue occasionally to levy exactions on her Aumils, pretending that they were the unauthorized acts of his adherents; and the other neighbouring countries he plundered without mercy. The supposed impossibility of putting an effectual stop to his depredations, and the great injury the country sustained by them, did induce the Nabob Asophul Dowlah to propose a compromise, which, though establishing a most dangerous precedent, seemed the only means at present of remedying the evil. The rebel demanded 10,000 rupees per annum to spare only the district of Sahlone, with a reservation of a right of plundering and laying waste the rest of the Vizier's Provinces at his pleasure.

In consequence of this insolent demand, the negociation, which was carried on through Major Gilpin, broke off; the detachment was reinforced (for the rebel had now 10,000 men in arms); and, by a fortuitous concurrence of circumstances, this notorious villain, a robber and disturber of the public tranquility, was pursued to his destruction. The letters of Major Gilpin on this subject are forthcoming, if necessary; and that Gentleman is himself on the spot to give any further testimony that may be required.

ANSWER TO THE SEVENTH, TENTH,  
ELEVENTH, AND TWELFTH CHARGES.*CONTRACTS, AND INCREASE OF ESTABLISHMENTS.*

**I**N the 7th, 10th, 11th, and 12th Charges, I am accused of making improvident contracts, and for a waste of the public money, by granting excessive allowances in one of the branches of the service: These charges I shall answer as fully and distinctly as the materials which I possess, and the time allowed to me, will permit.



In the 7th charge it is asserted, that “ it was the fundamental rule of the Company’s service in Bengal that all contracts should be publicly advertised, that they should be granted to the lowest bidder, and that in particular the contract for provisions, and for draught and carriage bullocks, should be annual.” I am charged with acting in direct disobedience to these orders; first, for not advertising for proposals; and secondly, for prolonging the periods for which I granted the bullock contract beyond one year, and that I further acted against the orders of my superiors, who had not left me in this case an option, by declaring that I disapproved of publishing for proposals, and that the contract for draught bullocks had been reduced too low already. To the latter part of this charge I reply, that, according to my construction of the Company’s orders, they never were or can be meant, in any instance, to leave their Administration in India without an option. At such a distance from the Parent State, the government upon the spot must be vested with a discretionary power; but where positive orders are sent, where those orders are disobeyed, and the reasons assigned for such disobedience are not satisfactory, censure or punishment invariably ought to follow. In my opinion, the very existence of the Empire in Bengal depends upon our army being in a situation to move, if required, at the shortest notice, and the movement of our army must always depend upon the state of our draught and carriage bullocks. In the year 1777, when the Board gave the bullock contract to Mr. E. Johnson, it is a fact of public notoriety, that by having made that contract annual, and by granting it to the lowest bidder, it was taken lower, by 50 per cent. than it was possible for any man to keep the bullocks fit for service, provided the contract had been fully executed, and the number contracted for kept up. I appeal to the records of those days to prove the complaints of the commanding officers of the weak state of their carriage cattle; I appeal to our Revenue Consultations to certify the amount of the deductions that were made from the Revenues for bullocks violently seized, whenever any detachment of our army marched through any part of Bengal or Bahar. To remedy these inconveniences, and to fix the contract upon such fair and equitable terms as should insure a strict performance of the public service, and afford to the Contractor the prospect of a reasonable profit for his trouble and risk, I joined in giving the bullock contract to Mr. Johnson in 1777, and the contract for elephants to Mr. Templar in the year 1779. I heartily concurred with Sir Eyre Coote in granting the provision and bullock contract to Mr. R. Johnson for five years, thereby performing, in my humble opinion, a most essential and important service to the East India Company, my respected employers. From 1779 to 1783, we were in a state of war with European and country powers; we had two considerable detachments of our army upon foreign service, the one upon the Coast of Coromandel, the other in Guzerat, and our army in Bengal was fit for immediate service: I can therefore confidently assert, that in every point of view the bullock contract was highly advantageous to the Company; and so fully am I impressed with the necessity of granting the contract, or the agency, for the supply of draught and carriage bullocks, upon fair and liberal terms at all times, that I took the liberty to give these sentiments to the Court of Directors since my return to England, when they did me the honour to ask my opinion of certain military arrangements which they had at that time under consideration: And it will not be deemed irregular or indecent in me, I trust, to quote to this Honourable House the opinion of a gentleman (Sir George Wombwell) on the subject of contracts, who, at the time he gave it, was a Member of this House, and Chairman of the East India Company. Sir George said, “ That he believed “ putting up contracts to public sale would be prejudicial to the public service. Men,” he said, “ inadequate to the performance of the contracts, would at all times bid lower than men of “ ability and reputation; and they would do much more injury by serving the public badly, “ than the difference of expence: He had seen instances of it in the contracts of the East India “ Company, and those of a fatal nature.” I quote these sentiments, delivered in this House by Sir George Wombwell on the 4th of May, 1778, as a strong confirmation of my own opinion; and I affirm, that if contracts had been given away in Bengal for short periods, and to the lowest bidder, more particularly army contracts, they would have fallen invariably into the hands of irresponsible men, and we might have had a very different termination of the late arduous struggle in India. We advertised, in the year 1777, for proposals for keeping in repair the cantonments of Burrampoor and Dinapore by contract; an Ensign in the service, a Mr. Foster, gave in the lowest proposals; but the Board were sensible of the impossibility of performing the service for the sum for which he was ready to undertake it, and we agreed to nominate Mr. Vanderhayden to perform the duty by agency; yet this was a direct breach of the Company’s orders, and by the reasoning in the charge, we were left in this case without an option. I shall conclude my observations upon the contract for draught and carriage bullocks with the following quotation from the letter of the Court of Directors to Bengal, of the 11th of April, 1781.

“ General Coote remarks, that being in a state of actual war, it was unnecessary to set  
 “ upon the imaginary necessity of having the draught and carriage bullocks put in the  
 “ best state of repair, because the success of every operation in war depends so very particularly  
 “ on



“ on the bad or good condition of the artillery train ; and in this opinion we concur with the General.”

“ Upon the most impartial consideration of all the materials before us, we candidly allow your system for the provision of cattle for the service of the trains to have been excellent, provided you had advertised for proposals, and thereby ascertained the lowest terms procurable, with good security for performance of the contract ; but the offer, without advertising for proposals, appears to us very improper.

“ We are nevertheless of opinion, that provided the terms were reasonable, it might not, for the most obvious reasons, be for the good of the service in time of war, to renew the bullock contract every year.”

## M A R I N E C O N T R A C T.

Upon the fullest consideration, the Board determined, in 1777, to give the Master Attendant, and his Deputy, the contracts for furnishing pilot sloops for the Ganges, upon the same terms that it had been held by Mr. Keble—the contract was renewed for two years, in 1779, and was faithfully, honestly, and economically performed : Of these facts the fullest proofs were transmitted to England. I humbly conceive that the Court of Directors have, upon fuller information, and on more mature consideration, approved of these contracts ; and also of the contract concluded with Captain Forde for the defence of the Chittagong River against the incursions of the Muggs ; because, as it is truly asserted in the charge, “ the Directors have not taken any measures against me for my share in concluding them.”

## MR. BELLI'S CONTRACT.

The next charge is, for giving the Agency for supplying the garrison of Fort William with provisions to my private Secretary, Mr. John Belli. My reasons are entered at large upon record, and to these I shall refer in the course of this proceeding ; but for the present I affirm, that by an authentic account, entered upon our consultations, the actual profit of Mr. Belli's Agency, for three years, are proved to be one lack and two thousand rupees, or 10,000l. sterling—instead of 15,970l. *per annum*, as it is erroneously asserted in the charge to have been.—This Agency was afterwards converted into a contract for five years : I deemed it of infinite consequence to bestow it on a man, in whose integrity and honour I could place the firmest reliance ; and the Court of Directors have never expressed the smallest disapprobation of Mr. Belli's contract. When I proposed originally to grant to Mr. Belli the Agency for supplying Fort William with provisions, General Clavering calculated the profits of this Agency to be 10,000l. a year : Upon that occasion I assured the Court of Directors, that if they were pleased to require it, the profits arising from the Agency should be paid into the Company's treasury. The Court of Directors, adopting the General's calculation as to the profits, stated them at 30,000l. and ordered that one third of the amount of them, or 10,000l. should be paid by me into the Company's treasury, when in fact the profits of the three years did not amount to more than 10,000l. Upon receiving this explanation, the Directors were fully satisfied.—I hope and trust, that this Honourable House will not adopt the sentiments of my accuser ; I shall content myself with denying, in the most public manner, that I had any connection, directly or indirectly, with Mr. Belli, in his Agency or his contract, or with any other person holding either Agency or contract during my government. I never expected so base and unworthy an insinuation from any quarter, and this is the only reply I shall ever make to it.

## ALLOWANCES TO SIR JOHN DAY.

Upon the representation of Sir John Day, (a gentleman intimately connected with my political opponents) to the Governor General and Council, in the year 1779, of the impossibility of his living in Calcutta upon his salary, the Board, sensible of the justice of the representation, agreed to add 2,500 rupees a month to it, for office charges, house rent, &c. ; but the Court of Directors were pleased to order this salary to be discontinued, and their orders

were



were obeyed. At a subsequent period, the Board, upon a representation from Sir John Day of the peculiar hardship of his situation, did agree to restore this allowance to him of 2,500 rupees a month, taking an obligation from him for the repayment of it, if the Court of Directors, on a second representation, should disapprove of its being continued to him.

### SIR EYRE COOTE'S ALLOWANCES.

I am next charged with having formed an establishment for Sir Eyre Coote, and for having continued it, after orders were received from the Court of Directors to discontinue it. In reply to this charge, I shall merely state the facts; if they will not exculpate me, I shall submit with willingness to any censure or punishment that this Honourable House may think proper to inflict.

When Sir Eyre Coote arrived at Calcutta, in April 1779, he proposed visiting the different stations of the army, and he moved at the Board that a field establishment should be formed for him. The allowances of General Stibbert, the Provincial Commander in Chief, as authorized by the Court of Directors, were very considerable; his table allowance alone was above 7,000l. a year. And Sir Eyre Coote's allowances of every kind, as ordered by the Court of Directors, 6,000l. a year. An establishment was formed for Sir Eyre Coote for boats, budgerows, table expences, camp equipage, &c. when in the field, calculated, as I firmly believe, so as not to exceed the additional expences which he incurred by his absence from Calcutta; for it was then only that he was to draw these additional allowances. On his crossing the Carumnasia, the allowances were paid by the Nabob Vizier. In the month of September 1780, he returned to Calcutta, and embarked for Madras with a powerful reinforcement, and a large supply of treasure, during the height of the Monsoon; on a most important and hazardous service. In the month of April, 1781, the order of the Court of Directors arrived, disapproving of the allowances which we had granted to Sir Eyre Coote, and positively ordering them to be struck off; and they were immediately discontinued. By what authority Sir Eyre Coote continued to receive this allowance from the Nabob Vizier I know not, but I have a faint recollection of Mr. Croftes having mentioned the circumstance to me a short time before Sir Eyre was returning to Madras, in the month of January, 1783, and I have no doubt of his having received my authority to write to Mr. Bristow.—Sir Eyre Coote was then on the point of returning to Madras, with a constitution worn out in the public service, by exertions almost beyond belief. His life was of the utmost importance; I had not a doubt of his success against Mr. Buffs, could he have arrived in tolerable health upon the coast.—This was not a time for me to dispute any point that could add to his chagrin.—His expences were considerable.—He had three separate establishments; one at Calcutta, one at Madras, and the third in the field. The allowance, as I understood, was voluntarily paid by the Vizier. I could have had no private interest of my own to gratify at any period of our connection, more especially at a moment when the whole world knew that Sir Eyre Coote could not live six months, having, when he returned to Madras, as he truly said, “one foot in the grave, and the other on the edge of it.”—This Honourable House is now in possession of the transaction, and of my motives for the share which I had in it.

### CIVIL ESTABLISHMENTS.

I am next charged with an immoderate increase of the Civil Establishment in Bengal. My accuser says, that in 1776, before the death of Colonel Monson, the whole civil expences did not exceed 205,339l. per annum; and that in the latter period of my government, in 1783, they had increased to 927,945l. per annum. This assertion of my accuser is evidently unfair and fallacious. The actual increase of civil charges in 1783, beyond 1776, is 65,226l. sterling, which was occasioned by an increase of civil servants in Bengal, by the addition of some new offices, and by the increased salaries to other offices of old establishment. Those which my accuser calls “civil,” in 1783, are as follows:

General Department	—	—	338,657
Revenue Department	—	—	411,397
Commercial Department	—	—	41,019
Supreme Court of Judicature	—	—	58,042
Surgeons and Assistants	—	—	78,830
			<hr/>
			£.927,945



The first head includes various charges, which are strictly military; the second head includes all the expences of my plan of 1780, for the management of the revenue arising from salt; by which, after paying the expence of 72,807l. the charge of the Salt Office, there remains to the Company a nett revenue of 603,076l. and in the year 1775-6, the Company sustained a loss of 1,473l. under the head of salt, as appears by a paper printed by order of this Honourable House, which contains an account of the annual profits and loss arising from salt, from 1765-6 to 1783-4: Yet the expence of this office is one of my accuser's charges!!! The second head includes also the expence of my plan of 1781, for the management of the revenues of Bengal, Bahar, and Orissa, and for the administration of justice; a plan that has been fully approved of by my constituents, and, if I am rightly informed, it has been mentioned at the bar of both Houses of Parliament in terms of warm approbation, by the learned counsel who were employed by the East India Company to defend their rights and privileges, in November and December, 1783. With respect to the allowances granted to the Members of the Revenue Committee, and of the Salt Office, they are undoubtedly large; I recorded my reasons for proposing such ample allowances, and I humbly presume that the compleat success of my plans is a justification for my conduct in proposing them. Mr. David Anderson, the President of the Revenue Committee, a gentleman whose talents and integrity are universally acknowledged, was selected by me to perform a temporary service of the utmost importance, attended with very heavy personal expences; I mean to negotiate and conclude the Mahratta peace, for which he has received the thanks and approbation of the Company. The second Member, Mr. John Shore, returned with me to England; he is a gentleman of very great abilities, and of unimpeached integrity. The Court of Directors have since appointed him to fill the office of a member of the Supreme Council at Bengal. The other gentlemen who composed this Board were men of knowledge and integrity, and selected as peculiarly adapted for the offices to which I recommended them. I confidently assert, that under the management of the Committee of Revenue, the cultivation of the country has been greatly improved, the Ryots have been protected, and the Revenues have been paid without severity or oppression.

#### 10th. THE SURGEON GENERAL'S CONTRACT.

In this charge my accuser states, that I gave the Surgeon General a contract for supplying the Hospitals for three years, in disobedience to the orders of the Directors. In reply to this I affirm, that we received repeated complaints of the improper mode of transacting this business. Upon full and mature consideration, I recommended my plan in 1777; the Board could not determine upon the propriety or impropriety of contingent bills for Hospital charges. Mr. Campbell, our Surgeon General, was a gentleman of acknowledged probity and honour, and of exemplary benevolence. The next in rank, Mr. Williams, who was joined with him in the contract, has been above twenty years the Surgeon Major of the army; an undoubted proof that the advantages in this branch of the service are very inconsiderable. It had been a constant complaint from the Commanding Officers of the corps composing the army, that the emoluments of the Surgeons arose from the number of sick in their hospitals, and therefore a reform was necessary; these emoluments were fixed by Lord Clive in 1765. I confess myself utterly unable to form any plan by which the office of Surgeon and Contractor could be separated without great injury to the service, or without adding an additional expence to the Company, or depriving the head Surgeons of every means of subsistence. I am precluded by my respect for this Honourable House from going into further detail upon such a subject.

#### 11th. MR. FRASER'S CONTRACT.

My accuser in this charge asserts, that I gave a contract for repairing the Pools or Banks of the rivers in Burdwan upon improvident terms. I affirm that the contract was concluded upon fair and reasonable terms, and that the Court of Directors have never stated the smallest objection to it; that it was faithfully and honestly performed by the person who held it. A neglect of my earnest recommendations, as to another contract of a similar nature, has been attended, since I quitted India, with the most fatal consequences. I repeatedly and strongly urged to the Council the necessity of effecting a complete repair of the banks of the Cossimbuzar river, both above and below the city of Moorshedabad, a repair which, before the commencement of my administration, was effected by a Mhatoot, or separate collection from the neighbouring districts; but the tax has long been abolished, and the expence, during my government, has been defrayed by the Moorshedabad Treasury. I laid my plan before the Board,



Board, and recommended a very intelligent person to carry it into execution. The Board objected to the expence, and quoted the orders of the Court of Directors, who had disapproved of the former contract for this service. I then urged them to form their own plan, if they thought mine an improper or an expensive one; I implored them to appoint a person of their own choice to perform the work, for if something was not soon done, very melancholy consequences were to be apprehended. I had not influence enough to carry my point in any way: the principle of obedience was declared by my colleagues to be the first principle of the service, and the last rainy season the banks were broken down; half the city of Moorshedabad, and half the island of Cossimbuzar, have been under water; many lives have been lost; thousands of the poorer inhabitants have been reduced to distress, and the deduction from the revenue must be very considerable in consequence of so melancholy an event.

## 12th. O P I U M C O N T R A C T.

I am accused in this charge of giving the Opium contract to Mr. Mackenzie in 1777, and to Mr. Sullivan in 1781. This Honourable House has ordered a paper to be printed, by which it appears, that from 1765 to 1772, when I succeeded to the Government of Bengal, Opium was a monopoly for the benefit of individuals, and the Company acquired no revenue from this article: it has produced to the Company, during my administration, £.534,009 sterling; and it is an improving branch of revenue. I did not give the contract to Mr. Mackenzie, or to Mr. Griffith, who preceded him; but I avow having given it to Mr. Sullivan, upon the same terms that Mr. Mackenzie held it. I affirm also, that the Company benefited more by it during Mr. Sullivan's management than Mr. Mackenzie's. I also affirm, that the provision of Opium ever must be a monopoly, and that if it is to be put up to sale, and granted to the lowest bidder, the Company will lose the revenue altogether, by competition and adulteration. I find my own sentiments on this subject, confirmed by the opinion of one of my colleagues, Mr. Francis, who observed, in a Minute on the subject of this contract, in May 1775, "that he should think it unadvisable to engage on very low terms with any Contractor." I claim the merit of having created this revenue to the Company, and in one instance in the course of my government, a gentleman, whose interest I had at heart, has undoubtedly benefited by that contract, which some person or other must have held. I concurred in giving this contract to Mr. Mackenzie in 1777; but if it could be supposed that I had been actuated in my public conduct by the motives which my accuser imputes to me, Mr. Mackenzie was the last man in Bengal whom I should have patronized, his connections in this country and in India having been invariably hostile to me. He went originally a Cadet to Bombay in 1770, and acted as Secretary to the late General Wedderburn; upon his death he returned to England, and was sent to Bengal with the rank of a Factor in 1776, by the influence, as I have always understood, of Lord Loughborough. He was on the most intimate terms with my opponent, Mr. Francis; and it is impossible for any man to suppose that I could have any private or personal motives to gratify, when I concurred in granting the Opium contract to a gentleman whose connections were so adverse to me. I should be ashamed to notice such trivial circumstances to this Honourable House, if my accuser had not charged me with attempting to establish a corrupt interest in Great Britain, by the disposal of the patronage annexed to my station in India.

My accuser has taken much pains to prove that I was guilty of inattention to the interest of my constituents, by loading a quantity of Opium in two ships, for the purpose of remitting a considerable sum on the Company's account to China. I shall merely observe upon this part of the charge, that in the critical situation of our affairs in India, in the year 1781, when private merchants were precluded from the purchase of Opium, first by the scarcity of specie, and next by the dangers to which ships were exposed in the Indian seas, the question to consider was this, whether I should take the chance of sending Opium to China and the Eastern islands on the Company's account, in order to furnish our Supra-cargoes at China with a supply of specie, or suffer the Opium to remain one season in Calcutta, and risk the detention of the Company's ships for one year at Canton? Mr. Wheler and myself, for the plan was Mr. Wheler's, determined to make the experiment. The Supra-cargoes gave the following information to the Directors, which my accuser has carefully suppressed: "The object of the Governor General and Council was, to raise a sum of money to answer the exigency of the Company's affairs in that part of India, and at the same time to afford us a supply for providing the cargoes for the present year. Had Opium not been imported in Portuguese ships, and had the Captain obeyed his orders, we have not the least doubt but it might have sold to  
" considerable



*“ considerable advantage. The Betsy was taken ; had her voyage been accomplished, we have great reason to imagine, that the Honourable Company would have received considerable advantage from it. She sold as much of her cargo as produced 59,600 dollars, which was paid into the Honourable Company’s Treasury here.”* The Opium sent to China and the islands, in the year 1781, sold for ninety-three thousand three hundred and forty-five pounds sterling, which was paid into the Treasury at Canton. The scheme was a temporary one, and the necessity urgent, both for raising a sum of money in Bengal, and remitting a considerable sum to China. What my accuser means, by stating that I was guilty of a breach of trust, by monopolizing an article for which there was no sale, I do not understand ; had I thrown the trade open, or relinquished the contract for one year, the revenue had been lost to the Company for ever. From whence my accuser received the information that Mr. Sullivan sold his contract to Mr. Benn, or that Mr. Benn afterwards sold it to another person, I know not : if the fact is so, the sale was made without my privity or consent, nor can it be a part of the present question.

I am accused of having appointed a Resident to Goa, where the Company never had one before ; that the office was a nominal one, and given to a person not in the Company’s service. The appointment was made at a moment when it appeared to the Board to be a very necessary one, in the most critical moment of the late war ; it was given to a gentleman who had been ten years Governor of Bombay, and was reduced by unexpected misfortunes, in the decline of life, to return in a private station to India. The Court of Directors recommended him to our notice ; he was ordered to be treated with respect and attention, in consequence of the high station he had filled. I did not create the office of Resident at Goa for Mr. Crommelin ; I never saw him until he arrived in Bengal, and had then no connection with him ; but I conceived, at the time I conferred the office upon him, that it would be approved of by the Court of Directors.

#### MR. AURIOL’S AGENCY.

I am next charged with giving to Mr. Auriol, our Secretary, the Agency for the supply of rice and provisions for the Presidencies of Madras and Bombay, upon very improvident terms ; I appeal to Mr. Auriol’s most excellent explanatory letter, to my Minutes, and to the proceedings upon this subject, for my complete justification. Mr. Auriol received 15 per cent. commission for the first year, and 5 per cent. from that time ; he performed the service with which I entrusted him with uncommon diligence and fidelity ; his merits are well known to the Court of Directors, and have been acknowledged by them. The supplies sent from Bengal in the year 1782, the first of Mr. Auriol’s Agency, were so very ample and considerable, that we reduced the commission from 15, which had been the customary rate allowed for these services, to 5 per cent. What my accuser means by saying I was guilty of a deception, I cannot understand ; Mr. Auriol was entitled to receive ready money for his purchases, but from the state of the Treasury in 1783, we had it not in our power to discharge his bills as they became due : Treasury Orders were given to him, and, in common with other Orders of a similar nature, they bore an interest of 8 per cent. until discharged ; which was in fact a considerable loss to Mr. Auriol, as he was compelled to pay 10 and 12 per cent. for the money he borrowed to complete his purchases, while he received an interest of 8 per cent. only for sums due to him from the Company. In fact, what my accuser has stated as an advantage to Mr. Auriol, and a deception on my part, was a very great loss to him, and a considerable drawback from the profits of his Agency. Before this Honourable House shall adopt the sentiments of my accuser, I am well convinced they will consider the critical period at which I adopted the measure complained of, the prodigious supplies that were sent, and the unexampled efforts that were made to avert the miseries of the famine which raged with violence at Madras, and on the Coast of Coromandel.

I must however allow, that the Civil Expences during the latter period of my Government were increased, but to a very inconsiderable degree indeed, when compared to the enormity of the sum at which my accuser has erroneously stated the increase. I affirm the increase in the Civil Establishment to have been £.65,226 only, and my accuser has stated it at more than £.700,000, by including civil, military, commercial, and revenue departments under one head. If the Honourable House shall adopt this charge, I am fully prepared to prove my assertion. For the present I shall observe, that by an account upon the table of this Honourable



able House, it appears that in the year 1771-2, the revenues of Bengal, after paying all expences of collection to European and native servants, were — 2,126,766

That in 1784-5, after paying all expences of all the establishments of the revenue and the administration of justice, they were — — 2,072,963

---

53,803

---

So that with every addition of expence in the revenue branch, where the allowances certainly were very considerable in order to preclude every temptation to unfair emoluments, the nett revenue of 1771-2 exceeded that of 1784-5 in the sum of £.53,803 only, notwithstanding the prodigious supplies furnished by Bengal during the war. But there remains to be added to the latter period two branches of revenue, one of which did not exist in 1771-2, and the other has been very greatly increased. In 1771-2 the Company had no advantage from Opium.

In 1783-4 the nett revenue amounted to	—	—	78,300
In 1771-2 salt produced	—	—	61,663
In 1783-4	—	—	603,076
			<hr/> 542,613
Excess in 1783-4		542,613	£.620,913
Deduct excess of revenue in 1771-2	—	—	<hr/> 53,803
Remains	—		<hr/> £.567,110

From this statement it appears, that during my Government, after defraying the revenue expences of every denomination, there was an actual increase of £.567,110 in the resources of Bengal alone.

Yet I will not affirm that the charge is absolutely groundless; there never yet was a system of public economy, in which it could not in a degree apply. The eloquence of my accuser has been often employed, as I have been informed, in exposing the enormous contracts which were concluded, and the unprofitable loans which were made, during the late calamitous war, by an unfortunate Minister; with what justice it would ill become me to determine. I am ready to allow, that some of our offices in Bengal were over paid; nor were the emoluments allotted to all exactly proportioned to their importance, or the ability required for discharging them. Men were not invariably appointed to offices to which they were suited, or best suited, by their talents, experience, and integrity; it is impossible that they should, when the power of patronage is in many hands, and established under the influence of personal favour, or of superior patronage. The wisdom of the Legislature has now applied a remedy for evils which existed in the Governments in India, during the period that I was at the head of the Administration in Bengal.



## ANSWER TO THE EIGHTH CHARGE.

## RECEIPTS and PRESENTS.

**B**EFORE I enter on my defence against this article of charge, I must premise that some parts of it relate to transactions which passed fourteen years ago; and what is very remarkable, transactions, which at *that period* received the entire approbation of my employers, are *now* converted into acts of criminality. I therefore lay my claim to plead the sanction of the Court of Directors, for a full acquittal of my conduct in every instance where I can produce it; and this Honourable House must see the justice and necessity of this claim, for if it be not admitted there never can be an end to the controversy, and they must for ever be teased with a repetition of the volumes which have been already written on this exhausted subject.

In this article my accuser charges me with “the receipt of large sums of money corruptly taken before the promulgation of the Regulating Act of 1773, contrary to my covenants with the Company, and with the receipt of very large sums taken since, in defiance of that law, and contrary to my declared sense of its provisions.” And he utters in this charge in the following pompous diction:—“That in March, 1775, the late Rajah Nuncomar, a native Hindoo of the highest cast in his religion, and of the highest rank in society, by the offices which he *had held* under the Country Government, did lay before the Council an account of various sums of money, &c.” It would naturally strike every person, ignorant of the character of Nuncomar, that an accusation made by a person of the highest cast in his religion, and of the highest rank by his offices, demanded particular notice, and acquired a considerable degree of credit from a prevalent association of ideas; that a nice sense of honour is connected with an elevated rank of life: but when this Honourable House is informed, that my accuser knew (though he suppressed the facts) that this person of high rank, and high cast, had forfeited every pretension to honour, veracity, and credit; that there are facts recorded on the very proceedings which my accuser partially quotes, proving this man to have been guilty of a most flagrant forgery of letters from Munny Begum, and the Nabob Yetram ul Dowlah (independent of the forgery for which he suffered death) of the most deliberate treachery to the State, for which he was confined by the orders of the Court of Directors, to the limits of the town of Calcutta, in order to prevent his dangerous intrigues; and of having violated every principle of common honesty in private life; I say, when this Honourable House is acquainted it is from mutilated and garbled assertions, founded on the testimony of *such an evidence*, without the whole matter being fairly stated, I do hope and trust it will be sufficient for them to reject *now* these vague and unsupported charges, in like manner as they were *before* rejected by the Court of Directors, and his Majesty’s Ministers, when they were *first* made by General Clavering, Colonel Monson, and Mr. Francis.

I must here interrupt the course of my defence, to explain on what grounds I employed, or had any connection with a man of so flagitious a character as Nuncomar. This hard and odious task was imposed upon me by the Court of Directors. It was their orders that he should be employed. These orders too were private and particular to myself, so that a rigid obedience to the will of my superiors, and a strict performance of one of the severest duties which could be required of me, subjected me for a time, not only to the obloquy of my colleagues, but also to the reproach of all orders and descriptions of men in the settlements, and at the same time forced me to communications with a man, who knew that I both despised and detested him, and who, from these motives, I foretold would one day prove the enemy he since proved himself. My opinion of this man has never varied, and it has been uniformly given at various times on the records of the Company. The Court of Directors too, when they directed me to employ him in the investigation of Mahomed Reza Cawn’s administration, were aware of the difficulties they laid me under, and of the danger of having such an agent; but being “satisfied that I was too well apprized of the subtlety and disposition of Nuncomar to yield him any trust or authority which might prove detrimental to their interest, and relying on my wisdom and caution, they directed me to make use of his intelligence to detect the mal-administration of Mahomed Reza Cawn, whose power had been the object of Nuncomar’s envy, and whose office the aim of his ambition.” In this situation of Nuncomar’s apparent confidence with me, the majority of the Supreme Council, in the year



year 1775, thought him a fit agent to destroy my reputation, and eradicate my authority, concluding that he had been trusted by me, and knowing, that if he were, he would betray me. Under these impressions, General Clavering, Colonel Monson, and Mr. Francis, selected him for that purpose, and here the scene opens which the present article exhibits, and which I shall now proceed to answer.

It is in vain that I have defended myself against some of these charges, since they are renewed again and again; and all my former explanations, which at the time satisfied both my employers and the Ministers of Government, are forgotten and consigned to oblivion. However, since the accusation is revived, I must repeat my defence, and appeal to my former vindication. My accuser states, that, "instead of offering any thing in my defence, I declared I would not suffer Nuncomar to appear before the Board;" but he withholds every material part of my objections, and quotes only a single line, which he marks in *italics*, out of a page of reasons that I gave for objecting to the proceedings of the Council at that time, and which are as follow.

"A combined and declared majority have stood forth as my accusers. I appeal, for the truth of this assertion, to the whole tenor of their conduct since their arrival in this country, and to the undoubted evidences which appear on the public records of the last fifteen days consultations, that these gentlemen are themselves parties, if not the principals, as in my heart I believe them to be, and such the world esteems them, and the Ranny of Burdwan, and Rajah Nuncomar, little more than instruments and ostensible agents, in the accusations preferred by them against me.

"As little do I judge it consistent with my own honour, or your interest, to suffer the first member of this state to be personally arraigned at the Council Board, and exposed to the insolence and calumnies of a miscreant like Nuncomar. *Had the majority been disposed to accept my proposition of appointing a Committee to prosecute their enquiries, either into these or the Ranny's allegations, they might have obtained the same knowledge, and all the satisfaction, in this way, that they could have expected from an inquisition taken by the Board at large; their proceedings would have had the appearance at least of regularity, and my credit would have been less affected by them. The only point which they could possibly gain by bringing such a subject before the Board, was to gain a public triumph over me, and to expose my place and person to insult.*

"Although I have declined entering, at this time and place, into a refutation of the accusations which have been preferred against me, in the names of Nuncomar and the Ranny of Burdwan, yet I do not think it proper to pass them wholly unnoticed.

"You are well informed of the reasons which first induced me to give any share of my confidence to Nuncomar, with whose character I was acquainted by an experience of many years. The means which he himself took to acquire it were peculiar to himself. *He sent a messenger to me at Madras, on the first news of my appointment to this Presidency, with pretended letters from Munny Begum, and the Nabob Yetram ul Dowlah; the brother of the Nabob Jaffer Ally Cawn, filled with bitter invectives against Mahomed Reza Cawn, and of as warm recommendations, as I recollect, of Nuncomar. I have been since informed by the Begum, that the letter, which bore her seal, was a complete forgery, and that she was totally unacquainted with the use which had been made of her name, till I informed her of it. Juggut Chund, Nuncomar's son-in-law, was sent to her expressly to entreat her not to divulge it. Mr. Middleton, whom she consulted on the occasion, can attest the truth of this story. I have not yet had the curiosity to enquire of the Nabob Yetram ul Dowlah whether his letter was of the same stamp, but I cannot doubt it.*

"The promise which he says I made him, that he should be constituted Aumeen (that is, Inquisitor General over the whole country) and that I would delegate the whole power and influence to him, is something more than a negative falsehood. He did once or twice intimate to me a wish of the kind, but with so little success that for a while he wholly dropt it. On Mr. Reed's return from the Coast, where he had been on leave of absence, Nuncomar made his application to him for the same employment, hoping, through his influence to obtain it. Mr. Reed, deceived by his suggestions, brought the proposition before the Board, and supported it with warmth, and it was rejected. The manner in which this matter had been introduced contains striking proofs of the incendiary character of the man; and the proceedings will shew the grounds on which the proposition was rejected."



It is further alledged, " that the evidence of this man, Nundcomar, not having been encountered at the time when it might and ought to have been, remains justly in force against me, and is not abated by the capital punishment of the said Nundcomar, but rather confirmed by the time and circumstances in which the accuser suffered death." This reasoning is inconsequent and malicious. In the first place, the evidence of this man was encountered by the proposition I made at the time to the majority, of *appointing a Committee to prosecute an enquiry into his allegations*; secondly, these allegations were committed to the hands of the Company's *Solicitor*, for the purpose of commencing a suit against me where I must have encountered them, had they been thought sufficiently authentic to have maintained an action; and, lastly, I voluntarily offered to the Court of Directors, in my address before mentioned, to submit all my transactions, of what nature soever, to their justice, in any way or form they should prescribe. But to this hour they never have thought such accusations, from such a wretch, worthy their notice; and the Attorney General told them, in his opinion, "*Nundcomar's information goes for nothing.*"

To the malicious parts of this charge, which is the condemnation of Nundcomar for a forgery, I do declare in the most solemn and unreserved manner, that I had no concern, either directly or indirectly, in the apprehending, prosecuting, or execution of Nundcomar. He suffered for a crime of forgery, which he had committed in a private trust that was delegated to him, and for which he had been prosecuted in the Dewanny Courts of the country before the institution of the Supreme Court of Judicature. To adduce this circumstance therefore as a confirmation of what was before suspicious from his general depravity of character, is just as reasonable as to assert, that the accusations of Epsom and Dudley were confirmed, because they suffered death for their atrocious acts.

It is alledged, that " the account laid by Nundcomar before the Council is stated with a minute particularity and precision; the date of each payment specified the various coins in which it was paid, and the *different persons* through whose hands the money passed;" and it is argued, " that if no advantage be taken of such particularity in the charge, to detect the falsehood thereof, and no defence whatever made, a presumption justly arises in favour of the truth of such a charge." In the apprehension of every candid person, the presumption must be exactly the reverse; for if there were all those minute particulars to refer to, and so many persons to authenticate them, what prevented my enemies, the majority of the Board, armed as they were with full power, from proving facts so easily to be established? And how can this argument, of there being *different persons* concerned, be reconciled to that of saying, the death of a single person prevented all proof; or that I, without any influence, stopped the course of their proceedings, when it is further asserted in the same charge, and almost in the same breath, that " the majority of the Board *continued to sit and examine witnesses,*" and when it is evident they might have carried on the business of their inquisition as fully and effectually without my presence as with it? To such contradictions are added bold assertions in violation of all truth; and in order to support a fallacious principle of the accuser's own stating, the charge asserts it is not true, as I have said, " that it was repugnant to the manners either of the Mussulman or Hindoo to take an oath." Now it is not possible for me to have made an assertion more true, or more generally acknowledged, than that *it is* repugnant to the manners both of Mussulmen and Hindoos to take an oath. It has been proved by an appeal that was made to eminent persons of both religions: it may be proved by a number of witnesses now in England, who know any thing of the customs of the natives; and I therefore repeat the assertion, and retort the untruth on my accuser.

With regard to the appointment of Munny Begum to the office for which it is alledged she was unqualified, and incapable of discharging its duties, I shall only observe that it is one of the instances wherein I shall avail myself for my defence of the entire approbation of the Court of Directors, to whom the whole particulars were minutely detailed, and by whom they were highly approved.

The next person who is produced is Khan Jehan Khan; and I must again refer to the proceedings of that time for a full account of this measure. The simple fact is, that an obscure individual, a native of Bengal, presented a petition to the Supreme Council, on the 30th March, 1775, setting forth, That the Fougedar of Houghley, Khan Jehan Khan, (a man of high rank and office) was allowed 72,000 rupees a year, 40,000 of which he had paid to me and my Banyan, and that he would do the duty himself for 32,000, by which the Company would save 40,000 rupees a year. So extraordinary a petition as this, in which a low and obscure individual desires a post of high trust and great importance, on the novel plea of obtaining 32,000 rupees a year for himself, who had never been in any office of a tythe of the value, was, I believe, never presented to a public body. However, he had accused me, and that was sufficient for



for the Majority to summon him before them. He was asked by them, who he was, and in what condition of life? The man replied, "In no employment now; I was a farmer of 'Tumlook.'" Two evidences were then called, who directly contradicted each other. Notwithstanding this, the Majority declared their belief of the charge. Khan Jehan Khan is next called upon; and because he declined to take an oath, pleading that it was repugnant to the manners of his country, and in this instance to every idea of justice in any country, he is dismissed from his office for contempt of authority. Soon after the death of Colonel Monson, he was restored to his office; and all questions being carried by my casting vote (says the Charge) and that restoration not having been preceded, accompanied, or followed, by any explanation or defence whatsoever, or even by a denial of the specific charge of collusion with the said Khan Jehan Khan, the truth of the said charge is confirmed.

To this article I have only to reply, that the charge carried falsity on the very face of it, from the contradiction of the witnesses who introduced it. I solemnly declare, that as far as relates to myself, it is wholly false and groundless, and I believe it to be false as it relates to my Banyan; but as I thought Khan Jehan Khan had been dismissed without any crime, it was but just to give my vote for his restoration.

Much stress is laid upon a declaration repeatedly made by me in my letters, "that it was my fixed determination, most fully and liberally to explain every circumstance on the points on which I have been arraigned, not doubting both to convey the clearest conviction of my own integrity, and of the purity of my motives for declining a present defence of it."

In my address to the Court of Directors of the 25th March, 1775, I informed them, "That the allegations of Rajah Nuncomar have been committed to the hands of your attorney, for the purpose of commencing a suit at law against me, in the name of the Company, for the recovery of sums said to have been received by me from Munny Begum, in the year 1772: I reserve my defence for the same channel, not choosing to give my adversaries an advantage, by anticipating it, nor to bespeak your premature judgment on a cause thus depending." When these allegations were transmitted to the Court of Directors, they in like manner referred them to the great law officers for their opinions, which I beg leave to quote.

Mr. Attorney General,

"Munny Begum was certainly a person within the description of the deed of February, 1775; but the case seems to ascribe the 150,000 rupees in question to 'entertainment afforded the Governor in his progress, according to some established usage; nay, it seems to suppose that his expences, if they had not been defrayed according to the usage, would have been paid by the Company, but were not.

"The evidence as here stated is still more defective; if the Appendix is adopted by the Directors, and meant to make a part of the case, *it throws discredit upon all the information so collected.* Nuncomar's information goes for nothing. If he were otherwise credible, this makes but one article, *among others which seem to be disbelieved.* Upon the whole, I see no evidence sufficient in my judgment to maintain an action."

Mr. Serjeant Adair,

"I have considered this case, and considered the evidence as attentively as the time will admit.

"With respect to the evidence, the matter is by no means clear. The Charge seems to be confined to the lack and half of rupees for the Governor's entertainment at Moorshedabad. I think there may be some doubt whether, if the fact respecting the sum given for entertainment was fully established, it would amount to such a clear and direct breach of the covenant as would entitle the Company to recover.

"At all events, I cannot think it advisable for the Company to commence a suit against Mr. Hastings upon such evidence as stated in this case, *especially under the circumstances, and in the manner it appears to have been obtained.*"



Mr. Dunning,

It appears to me difficult to reconcile the evidence stated, and impossible to judge of the credit due to any part of it, without fuller information; *particularly as to the manner in which it is suggested to have been procured.*

Mr. Smith, the Company's Solicitor's opinion.

“ Upon the whole of this evidence, I cannot bring myself to think that there is sufficient ground for the Company to commence a suit against Mr Hastings, for recovery of those sums to which my observations are confined; I mean all sums stated, except the lack and half upon which the opinion of Council has been taken. The proof is exceedingly confused; but, *when I consider the eagerness the Majority of the Council have shewn to establish these charges; the extraordinary measures they pursued; the very easy method of proving the facts, if true; the very slender proof (if any) that is given; the observation arising upon the face of the proof; and the flat contradiction of Munny Begum; these various circumstances, in my mind, amount almost to an absolute conviction, that the story cannot be true. If the fact had been true, the persons mentioned by Nuncomar, as those through whose hands the four first articles were paid, might have been examined, and they must have proved the facts; but it does not appear that any one of them was called upon, although most of them were resident at Calcutta. This proof would have been easy and certain. As to Nuncomar, if his bad character was not too well established not to deserve credit, the manner in which he tells the story would destroy his credit.*”

Now when the Court of Directors, instead of asking any explanation from me on any of these allegations, referred them to a course of law; when the lawyers to whom they were referred, not only thought them too vague and insufficient to maintain an action, but even condemned the facts on the informer's own statement of them; when the characters of my accusers themselves suffered from their intemperate conduct, and the notorious infamy of the agents they employed to destroy my reputation; and when, after every effort of Ministry and the Directors to criminate me, I was acquitted of these unfounded charges, and repeatedly re-appointed to my station of Governor-General: after all these circumstances, is it any crime in me not to have explained, what to the present moment I have never been called upon to explain?

I now come to that part of the Charge, in which I am accused of having at different times, since the promulgation of the act of 1773, received various other sums, contrary to the express prohibition of the said act, and to my own declared sense of the evident intent and obligation of it.

I hope this Honourable House will not think it necessary for me to answer all the irrelevant matter in this or any other charge; but that they will think I exculpate myself sufficiently from any offence to the law they have enacted, if I prove that the sums I have acknowledged, and am here charged with having received, were not taken, according to my judgment, in violation of the ordinances of that law, but under circumstances which, in my opinion, fully justified me. I make this previous remark, because I find in this Charge much cavil, and a great deal of criticism on the expressions of my several letters to the Court of Directors on these subjects. For instance: it is argued that I had not alienated the sums deposited in my name, although I have expressly said I had endorsed the bonds; or in other words, that I declared them not to be my property. There are distinctions of common law in matters of private property, which I hope, it will not be expected I should combat; and therefore I shall proceed to reply to the general principles of the act, trusting to the liberality of this Honourable House, to acquit me if they see no corrupt motive in my actions.

I beg it may be observed, that the first of these presents was received in the year 1780, at a time when, as I have truly said to the Directors, “ the exigencies of the government were my own, and every pressure upon it rested with its full weight upon my mind: wherever I could find allowable means of relieving them, I eagerly seized them.” It was in this year, and at one of these distressful periods I allude to, that I formed the plan for drawing Madajee Scindia from Guzzerat to the defence of his own dominions, in hopes of laying the foundation of that peace with the Mahrattas, to which this measure did afterwards so greatly contribute. This plan was opposed by Mr. Francis, then a Member of the Council, on the plea, amongst others of little importance, of the additional expence we should incur by its adoption. About this time, Buxey Sadanund, the confidential servant of Cheyt Sing, had been deputed to me in Calcutta by his master, to acknowledge his former ill conduct, and to assure me of his implicit obedience and submission in future. He was also entrusted by his master, to endeavour to procure a remission of the payment of the annual sum of five lacks of rupees, which the Board had



had fixed as his proportion of the expences of the war.—I peremptorily refused his request; but assured him, that on the restoration of peace, this additional subsidy should cease; and that this was all he must expect. Sadanund wrote to his master, and received a commission from him, to give me the strongest assurances of his future obedience, and submission to the orders of government; and he was further directed to request my acceptance of two lacks of rupees as a present to myself. My reply was, that I cordially received his submission and assurances of obedience, but that I must absolutely refuse his present, which I did.

Having been disappointed in the execution of my plan for attacking Scindia's dominions, which I deemed, and which proved to be of the most material consequence, and being thwarted in it by my colleagues on the plea of expence, which was the only material objection made to it, I determined to accept of the offer which I before refused; and on my return from the Council, the day I believe that my plan was rejected, I sent to Sadanund, and told him I had re-considered his master's offer, and would accept the two lacks of rupees, which I desired him to pay to the Sub-treasurer, Mr. Croftes, meaning to apply this money to defray the expence of the expedition against Scindia, and thereby hoping to obviate the only objection which had been made to this important undertaking. Unfortunately I did not succeed in obtaining the consent of Mr. Francis and Mr. Wheler, and was therefore concerned at having accepted this sum from Sadanund, since the only use to which I meant to appropriate it was frustrated; and I expressed my vexation to Mr. Markham, my Secretary, as he (who fortunately for me is now in England) can attest. Upon mature reflection, I determined neither to inform the Council of the transaction, nor to return the money to Sadanund, having once consented to accept it; I therefore suffered it to remain in the Company's cash, as a deposit for their use, and by the next dispatch to Europe I informed the Court of Directors of the transaction, though I did not state to them from whom I received the money—a neglect which I should have studiously avoided, could I have foreseen the consequences of it. I thought at the time that I did all that was necessary, by declaring *that it was not my own, and that I neither could nor would have received it, but for their use.*

After this explanation I hope this Honourable House will acquit me of any corrupt motive, or any view of private advantage, in the manner of accepting this offer.

The rest of the sums which are entered in the public Treasury accounts, either as money lent on bond, or placed on deposit, were taken, as I have already said, in the time of the most pressing necessity, in order to relieve the exigencies of the state, which I felt so forcibly, that, attentive only to provide for them, I did not reflect on an interpretation which might be put on my actions so totally foreign to the purity of their motives. I cannot better prove this purity of intention to the satisfaction of the Honourable House, than by shewing that every step I took in this business led to a public application of the money; and to put it out of my own power to benefit by the acceptance of it.

I have already fully explained the transaction of the two lacks of rupees given by Sadanund; the sum of 406,000 rupees, for which bonds were given, was paid directly into the Company's Treasury for their use, and never passed through my hands; and in a few months after the receipt of it, when I was about to leave the Presidency to proceed up the country on a service liable to personal danger, I endorsed the bonds payable to the Company, and left them in the hands of Mr. Larkins, our Accountant General, with express directions to deliver them up. I hope I need not detain this Honourable House by obviating the cavil that an indorsement on a bond is not good in common law, though it is in equity. I flatter myself it will be evident that I had no corrupt motive in taking this money; that it was bona fide for the Company's use; that they and not I had the benefit of it; and that the alienation of my right, by the indorsement, was in fact as effectual as a formal transfer.

Two other sums, of 232,000 rupees, and of 58,000 rupees, were paid into the Treasury, as received from me on account of Durbar charges; which is a regular official account, as much under the inspection of the Supreme Council as all the other public accounts, and consequently no concealment could have been made or intended, and they hereby became immediately as much the property of the Company as if they had been a regular revenue.

The last part of the charge states, That in my letter to the Court of Directors of the 21st of February, 1784, I have confessed to have received another sum of money, the amount of which is not declared, but which, from the application of it, could not be less than thirty-four thousand pounds sterling, &c.—In the year 1783, when I was actually in want of a sum of money for my private expences, owing to the Company not having at that time sufficient cash in their treasury to pay my salary, I borrowed three lacks of rupees of Rajah Nobkissen, an inhabitant of Calcutta, whom I desired to call upon me with a bond properly filled up; he did so, but at the  
time



time I was to execute it, he entreated I would rather accept the money than execute the bond. I neither accepted the offer nor refused it, and my determination upon it remained suspended between the alternative of keeping the money as a loan to be repaid, and of taking it, and applying it, as I had done other sums, to the Company's use; and there the matter rested till I undertook my journey to Lucknow, when I determined to accept the money for the Company's use; and these were my motives:—Having made disbursements from my own cash for services which, though required to enable me to execute the duties of my station, I had hitherto omitted to enter into my public accounts, I resolved to reimburse myself in a mode most suitable to the situation of the Company's affairs, by charging these disbursements in my Durbar accounts of the present year, and crediting them by a sum privately received, which was this of Nobkissen's. If my claims upon the Company were not founded in justice, and bona fide due, my acceptance of three lacks of rupees from Nobkissen by no means precludes them from recovering that sum from me. No Member of this Honourable House suspects me, I hope, of the meanness and guilt of presenting false accounts—I have never benefited by contingent charges, or by retaining the money of the public in my own possession, for my private emolument.

I have purposely refrained from any remarks or observations on some unfair deductions and unjust inferences in the reasoning of this charge, as well as on some assertions which are not true, in order to avoid breaking in upon the narrative of these transactions: But I must now take leave to observe to this Honourable House, that the insinuations which are made against me for not communicating these circumstances “till I was apprized of the enquires made in the House of Commons, and when a dread of the consequences of these enquiries might act upon my mind,” are equally injurious and groundless. My first communication to the Court of Directors was dated the 29th November, 1780, *when no enquiry had commenced*. When I wrote my letter to the Directors, in May, 1782, I could not possibly have known of the charge of ministry in the preceding March, which is another consequence alluded to.—But my accuser says, this letter was not dispatched till the 16th December, 1782, and it might have been sent sooner.—To this I reply, that when I wrote this letter, in May, the *Lively* was expected to be dispatched every day; that in the course of human events it was probable she would arrive in England before any other ship; that her detention was neither to be foreseen or prevented;—and, lastly, a gentleman of approved good character, high in station and reputation, makes oath, that the letter was made up and sealed for the *Lively's* packet, and remained closed till the 16th of December, when it was opened for the express and sole purpose of enclosing his affidavit.—The assertion, “that it does not any where appear I have surrendered the said bonds as I ought to have done,” is not true. They have been all surrendered, as will appear by the papers now before this Honourable House.

I have nothing more to add to this reply, than that it will be found, on a reference to the act of 1773, which I am accused of violating—that the prohibition of receiving money is there strictly confined to the persons not receiving it for his use, or on his behalf; and to assure this Honourable House, in the most solemn manner, that I never meant nor intended the money so taken by me for any other use than that of the state, which was, at the time of its being taken, in such imminent danger and distress, that every little aid of this kind became an object of national consequence. I hope this Honourable House will do me the justice to believe, that a pure principle of zeal alone actuated my conduct; but if I should not, which I am unwilling to suppose for a moment, possess their good opinion, let me appeal to their understanding, and ask them, whether it is consistent with common sense, that a person who meant to take money corruptly for his private use would select for his Agents the Company's public officers, men of established characters, or endorse bonds over to the Company which he meant for himself, or pay the sums which he meant to appropriate to his own use into the Company's public treasury?

The sum which I accepted for the Company's use from the Nabob Vizier Asoph ul Dowlah (above ten lacks of rupees) is so clearly stated, that I am only accountable, in the opinion of my accuser, for having received it at all, and for presuming to ask the Court of Directors to allow me to receive it from their bounty, on account of the insufficiency of my own fortune.—The money I accepted for the Company, and I applied faithfully to their service—I had no corrupt interest with the Court of Directors, I never sought to obtain a corrupt interest with them, but have always been anxious that the Court of Directors and the world at large would determine on my conduct from my actions, not from my professions.—I told them, with great truth, that my private fortune was inadequate to the situation which I had so long filled in their service, but I scorned at all times to encrease it by improper or unjustifiable means; and I am as ready as any man to confess, that with a very little attention to my own concerns, I should at this moment have possessed a fortune far beyond my wants, or my wishes. This Honourable House will, I hope, pardon me for this digression, the subject in some degree has forced me into it. Let me only add, that according to my construction of the regulating act of 1773, I was left at liberty



to receive money, provided it was to and for the sole use of the Company ; and that I never entertained a thought of receiving it upon any other terms, nor did I ever mean to appropriate a rupee of the sums so received to my own use, without the sanction of the East India Company, my employers. Whatever imperfections there may be in my character, and I have many, yet no man who knows me will suppose me capable of asserting an untruth, or, which is in fact the same, of presenting a false account to this Honourable House, or to my old and indulgent masters, the Proprietors of East India Stock.

## ANSWER TO THE NINTH CHARGE.

### R E S I G N A T I O N.

**I**N the year 1776, Mr. Lauchlin Macleane, assuming powers with which I had not entrusted him, proposed to the Court of Directors certain stipulations in my name, which when communicated to me I refused to ratify. *Ten years after*, in the year 1786, that refusal is charged against me as a high crime and misdemeanor. In the whole of this perplexed affair I am less committed than any of the parties who acted or concurred in it ; yet I am exclusively prosecuted for its real or supposed consequences. Mr. Macleane, who *exceeded his commission*, is dead ; but I am not inheritor to *his* share of the imputed culpability. The Committee of Directors, who were appointed to inspect Mr. Macleane's powers ; the Court of Directors, who acquiesced in a divided Report from that Committee ; his Majesty's Ministers, who admitted the consequent acts of the Court of Directors without investigation, were all separately and jointly interested in the event, and are all much more responsible than myself ; the Court of Directors at least were under a necessity of taking the earliest steps to resent the insult and redress the injury which it is urged they sustained ; and Ministry were still more obliged to action, from the higher importance of their offices. Both parties had only to unite, and they could have forced me from the chair I refused to resign. So far from doing this, a Court of Directors, consisting of a majority of the same Members, and a Ministry with the very same leader at the head of it (who had been a party to the acceptance of Mr. Macleane's offer, and a party to the disappointment on my refusal) did, in the year 1778, continue me in the office I had so pertinaciously held, by a new Act of Parliament, and by a new acquiescence in my nomination. What part therefore of the offence incurred, or of the injuries produced by this affair, can with propriety be imputed to me ? Powers which the possessor confessed he dare not shew, were *admitted and acknowledged* by those who *never saw them* ; powers which, if allowed to the extent in which they are stated, would not entitle the possessor to sue for the most trifling sum in any Court of Law in Europe, were allowed to be a legal warrant for the resignation of £.25,000 per annum, by those who would have indignantly refused to pay five pounds, if demanded on the same powers. And *here too* was a matter far above the little ordinary concerns of pecuniary negotiation, or the partial powers of a common agency. *Here* an office, of the first importance in the whole extent of our empire, was to be bartered away with the slight and slovenly informality of *general declarations*.—No Letter of Attorney, no authentic instrument, no formal credentials, sanctioned by my hand and seal :—A mere selection and compilation from different paragraphs of a paper, stated to be “ instructions to my Agent,” is the whole foundation of the transaction. It was acknowledged by the Agent himself, that “ the powers with which he was entrusted were mixed with other matters, of a nature extremely confidential.” Much of the instructions therefore *never was*, nor *could be*, nor was *intended or expected* to be, communicated. How could the Directors be certain that the *parts concealed* did not contain a *precise and positive prohibition* to my Agent of assuming any such powers ?—It was possible, and not improbable ; at least their vigilance would not have flumbered so remissly over the *chance* of such a circumstance, had the demand been of a pecuniary nature : but of *three persons* who were appointed *examining proxies* for the Directors on this occasion, *one*, Mr. Richard Becher, since deceased, openly declared *he* conceived the pretended powers to be *no powers at all*. Here was a warning, one would have thought, to the most indifferent temper. Credulity itself would here have taken the alarm to discuss the subject with more accuracy and acuteness.—What then did the two remaining Members of this Committee report ? “ That having conferred with Mr. Macleane, they found that, from the purport of “ Mr. Hastings's instructions, contained in a paper in his own hand writing given to Mr. Macleane, and produced by him to them, Mr. Hastings declared he would not continue in



“ the Government of Bengal, unless certain conditions therein specified could be obtained, of which *they* (i. e. the Committee) saw no probability :”—That is, because a Committee, unknown to and unauthorized by *me*, saw no probability of certain events, I am made to declare I would not continue in the Government ! !—Surely the Committee’s ideas of probabilities were no rule for my conduct. What had an extraneous Committee’s opinions to do with my *private* declarations to my own Agent ? My Agent might have seen probabilities, though the Committee saw none ;—or there might have been probabilities, though neither the Agent nor the Committee saw them ;—or there might be a possibility even *against* probabilities ;—or that which I had declared to my own Agent, I might chuse *not to declare* to any other ;—or I might think such a declaration “ mixed with other matters of a nature extremely confidential,” and conveyed in a paper of *private instructions to a confidential Agent*) *equivalent to no declaration at all*. On so important an occasion *nothing* could constitute a *power*, but a clear and formal appointment, such as “ *I do hereby authorize and empower you, Lauchlin Maclean, in my name, and on my behalf, to resign the Government of Bengal,*” or words to that effect. Surely the security of possession is not less guaranteed *by law* for the office of Governor General, than for the most trifling part of our private property. Add to this, I have myself furnished subsequent proof that I had never the remotest intention of empowering my Agent to resign in my name. For, between the time of Mr. Maclean’s departure from Bengal, and his offer to resign my Government, I had repeatedly, *thrice at least*, signified in *public*, and *recorded letters* to my Superiors, that no inducement should tempt me voluntarily to quit my station until I saw an end to the struggles in which I was then involved with the Council ; that if I lived, I would see the end of it. My letters to this purport are dated in March, April, and October, 1775.

My refusal to ratify the pretended resignation took place on the 20th of June, 1777 ; and if I were warranted (which I have indisputably proved above) in that refusal, all the consequent events which happened in Bengal are to be imputed to any, or all of the parties to the original error and inadvertency. But in the year 1778, I was appointed to the chair *by a new Act of Parliament* : At that time, therefore, my pretended resignation was known to Parliament, and it must have been understood to be a *valid* act, or to be *invalid*. If *valid*, Parliament, and not *I*, was the cause of injury to General Clavering, by a renewal of my nomination ; if *invalid*, Parliament, by the sanction of a renewed appointment, certainly acquitted me of having given such powers to Mr. Maclean.

To the first article of accusation therefore, I reply, that if Mr. Maclean had *no powers* (and none are proved ; on the contrary, I *have proved* that he *had none*) my refusal was no breach of faith with the Court of Directors, and his Majesty’s Ministers. To the second article, (“ *disrespect* to the Directors, and his Majesty”) I know not what to answer ; for how much soever I may abhor the thoughts of such *indecorum*, I cannot conceive it to be any part of an “ *impeachable high crime and misdemeanor*.” If the resignation were *invalid, ab initio*, as I have proved, my refusal was no injury to General Clavering, and if it *were*, I should suppose *personal injury* to have its remedy at common law, *not* by impeachment ; and for the rest of that clause, it would be just as regular to arraign a thunder storm for the damage it might have done to a steeple, as to impeach me for the injury an act of mine “ *might have been to Mr. Wheler*.”

But the last consequences of my refusal are, that it was an “ *act of signal treachery to Mr. Maclean, &c. and prejudicial to the affairs of the Company’s servants in India* !”

*Treachery*, not to admit the exercise of powers I had not bestowed !—*Treachery*, not to authenticate an act performed without a warrant, and operating most notoriously to my prejudice !—*Treachery*, to set an example of regularity, of firmness, and of precision, in one of the most important concerns of life ! ! !—And how was it prejudicial to the Company’s servants, or rather how could it be conceived possible, that a charge founded on such lame premises, and closed with so unaccountable, unprecise, and impotent a conclusion, should pass for serious ? as if it *were*, or *can be*, or *ought to be*, prejudicial to people in India that their agents should hereafter be required to produce the powers by which they act ;—that all parties should learn to be cautious in precluding the possibility of misrepresentations and misconceptions in matters of agency ;—and that an exemplary check to this unwarrantable assumption of never-delegated powers, should prove a salutary warning, and sure preventative of future prejudice, to all concerned in mediatory transactions.

Before I close this article, I beg leave to refer to *two letters of mine*, one indeed before the House, addressed to the Court of Directors ; the *other*, not before the House, a letter to the Chairman of that Court, which I fear was never communicated to those for whose information and conviction it was particularly intended. It is dated 27th August, 1777, the first occasion I had



had of writing home on the subject of my pretended resignation; and its authenticity I can fully prove from my original letter book, now ready to be produced. This letter inclosed full copies of all the instructions I had ever given to my private Agent, Mr. Macleane, whom I commissioned specially to unite with my other friends, in procuring an enlargement of my authority, which as it then stood I had found insufficient for any good purposes of government, and which by a very late Act the legislature has been pleased to deem insufficient also. It would have been very extraordinary had I furnished him with powers to join my enemies, and so become the very means of deposing me from that station which it was the express and sole purport of his mission to support and extend. Those powers, therefore, which by a partial or imperfect statement had been stretched to an indefinite and unwarrantable extent, I wished by this letter to have displayed to the Directors at large, as the most obvious and ready proof of their specific limitations. Why they were suppressed by the very Chairman who afterwards joined in a letter of censure for *my suppression* of them, I do not pretend to explain. Very unfortunately for me, I have not been able to find copies of them at present, and conceive they must have been left in Bengal, with many other papers which I did not imagine likely to be of public and immediate importance. I profess myself to be very partially informed of the various steps which led to my proposed resignation in 1776. I am convinced Mr. Macleane acted to the best of his judgment; and if it were not an improper request, I would desire to call upon a noble Lord, who was at that time the Minister, to state to this Honourable House every circumstance of that transaction.

---

## ANSWER TO THE THIRTEENTH CHARGE.

### *MR. RICHARD SULLIVAN'S APPOINTMENT.*

**U**PON this charge I shall not detain this Honourable House. Mr. Richard Sullivan accepted from the Nabob of the Carnatic, and from the Nabob's creditors, a commission to act for them in Bengal, and produced powers for that purpose.

For reasons which struck me as very forcible, and without a wish wantonly or unnecessarily to encroach upon the rights of the Government of Fort St. George, I appointed Mr. Sullivan the Minister of our Government at that Presidency. Of this appointment the Court of Directors disapproved, and they dismissed Mr. Sullivan from their service, for having accepted of his original commission. Before I heard of his dismissal I proposed to appoint him our Ambassador at the Court of Nizam Ally Cawn.—What part of this transaction is culpable, in so far as I am concerned in it, I know not, and I leave it to make its own impression upon this Honourable House.

---

## ANSWER TO THE FOURTEENTH CHARGE.

### *RANNA OF GOHUD.*

### INTRODUCTION.

**I**MUST apologize to this Honourable House for the length of my defence upon this article of the charge. As it was a charge of breach of faith in the violation of a public treaty, which I have ever considered as a crime of a most heinous nature, as most pernicious in its consequences, and therefore required the fullest refutation, I have been under the necessity of entering into a connected and minute detail of all the occurrences of our intercourse with the Ranna.



Ranna for that purpose ; and these will shew that his part of the alliance consisted of a series of unremitted acts of the blackest perfidy, and ours of a marked forbearance.

This charge, though comprized in the small compass of two pages, contains so many artful misrepresentations of facts, apparently authenticated by partial quotations and perverted truths, that it will be difficult to give them a clear refutation, without entering fully into the subject.

It is affirmed in the charge, “ that in the late war against the Mahrattas, the said Ranna of Gohud did actually join the British army under Colonel Muir, with two battalions of infantry and 1,200 cavalry, and did then serve in person against the Mahrattas, thereby affording material assistance, and rendering essential service to the Company.” A person inclined to candour would have stated this fact very differently : he would have said, that the Ranna of Gohud was bound by the 5th article of his treaty with the English to furnish 10,000 horse ;—that the Commanding Officer, Colonel Camac, repeatedly applied to him on behalf of the English Government, and at last could obtain no more than two battalions of infantry, and 200 horse ; and that the Ranna himself did not join our army until no alternative was left him but that of either taking a decided part in our favour, or being declared an open enemy ; that this was not until ten months after our army had entered the Mahratta country, and that he staid with our army only a few weeks, leaving it at a most critical period before the conclusion of peace with the Mahrattas ; thereby *not affording material assistance*, but causing essential detriment to the service of the Company.

In another part of the charge it is said, “ that he the said Hastings, in the instructions given by him to Mr. David Anderson, for his conduct in negotiating the treaty of peace with the Mahrattas, expressed his determination to desert the Ranna of Gohud, in the following words :—You will of course be attentive to any engagements subsisting betwixt us and other powers in settling the terms of peace and alliance with the Mahrattas ; I except from this the Ranna of Gohud ; leave him to settle his own affairs with the Mahrattas.” Who would not think from this that I had wantonly, and without reason, deserted the Ranna of Gohud ? Who would suppose that in deserting him I was justified by the strongest reasons, and that these reasons are recited in the very middle of those words, which as they are quoted in the charge produce on the mind the effect of one connected sentence ? The real words of the instructions to Mr. Anderson are as follows : “ You will of course be attentive to any engagement subsisting betwixt us and other powers, in settling the terms of peace and alliance with the Mahrattas : I except from this *precaution* the Ranna of Gohud, *who has been guilty of the most flagrant breach of faith towards us in every instance, after a most faithful and scrupulous performance of every stipulation in his favour by us, and after we have saved him and his country from certain destruction* : Leave him to settle his own affairs with the Mahrattas.” Here then are full and sufficient reasons for my conduct towards the Ranna. The mind feels relieved from the shock which it received, at the idea of deserting without a cause a man whom my accuser would represent as a faithful and serviceable ally. I appeal to the candour and justice of this House, if it is fair, if it is honourable, to draw a criminal charge thus against me from my own expressions, and yet to omit those words which, if admitted, are a full justification of me. The only doubt that can remain is regarding the truth of the reasons thus assigned : a few words would not be sufficient to clear up this matter. I trust, however, that this Honourable House will suspend their judgment for a moment ; and I promise to remove every doubt, by giving a full account of the Ranna’s conduct towards us, exhibiting a series of treachery and perfidy which it is to be hoped cannot be paralleled in European history.

The framer of the charges against me then proceeds to observe, that “ the said Anderson appears very assiduously to have sought for grounds to justify the execution of this part of his instructions ; to which, however, he was at all events obliged to conform.” If my accuser had thought proper to quote the sequel of the same paragraph of the instructions, the House would have seen, that Mr. Anderson was enjoined to *obtain intelligence* regarding the Ranna’s conduct ; but not to *seek for grounds to justify* the execution of this part of his instructions ; and that he was *not at all events obliged to conform to it* ; for he was to judge from that intelligence, whether the Ranna was worthy of being any longer considered as the ally of the English. The words are these, and they immediately follow the preceding quotation : “ Colonel Muir will give you complete intelligence regarding the Ranna’s conduct ; and from this you will judge whether he is worthy of being any longer considered as our ally.”

But it is in vain to trace and point out all the subtleties of this charge. We might ultimately arrive at truth by pursuing fallacy through all its studied mazes, and exposing it at every turning to detection ; but how tedious, how intricate, and perplexing would be such a pursuit ?—The easiest and shortest way will be to quit it altogether, and to follow the plain and simple



simple path of truth. And I trust that this Honourable House will not think I unnecessarily consume their time while I submit to them, as succinctly as possible, a plain history of the transactions which have passed betwixt us and the Ranna of Gohud, from the commencement of our connection down to the period when his treachery and repeated breach of engagements rendered him unworthy of our further protection.

On the 2d of December, 1779, a treaty was settled betwixt the English Government and the Ranna of Gohud, stipulating certain conditions of alliance, chiefly relative to the Mahratta state, which was at that time considered as the enemy of both. As the House is in possession of a copy of this treaty, I will not, unnecessarily, intrude upon their time, by reciting the several articles of it; but shall proceed immediately on my narrative.

At this time the Mahrattas had possessed themselves of many of the Ranna's districts. Their armies had laid waste and plundered even the environs of Gohud; and the Ranna, being incapable of opposing them, remained shut up in his capital. In consequence of the treaty, he solicited our assistance, and it was immediately given. In the month of February, 1780, Captain Popham, with a body of English troops, arrived at Gohud, and being joined by the Ranna's forces, very soon compelled the Mahrattas to abandon that country. It was then thought advisable to carry the war into the Mahratta territories; and the united forces, after repeated marches, crossed the river Sind, and arrived in the Cutchwagâr districts, where Captain Popham commenced his operations, by laying siege to Lohâr, which was reckoned the strongest of all the numerous forts possessed by the Mahrattas in that part of the country. It was for some obstinately defended; at length, a practicable breach being made, it was vigorously assaulted, and carried, with the loss of several English officers, who fell in the storm. On the fall of Lohâr, all the rest of the Cutchwagâr country soon submitted to the English and the Ranna.

According to the 4th article of the treaty, it was settled, that whatever countries should thus be conquered from the Mahrattas, a valuation should be formed on the receipts of the ten preceding years, and an annual tribute being settled as the Company's nine-sixteenth proportion of the revenue, the countries should be delivered over to the Ranna. Without waiting for the form of such an adjustment, Captain Popham, relying on the good faith of our ally, delivered up to him the fort of Lohâr in two days after its reduction, and permitted him to establish his Government throughout the whole of the Cutchwagâr country. An Aumeen or Commissioner was afterwards appointed to form the valuation; but so many difficulties were thrown in his way by the Ranna's officers, that it never could be effected; and though our connection with the Ranna lasted for two years longer, and during all that time he remained in quiet possession of these territories, he never accounted for any part of the revenue to the Company.

The 2d article stipulated, that the expence of the English forces should be defrayed by the Ranna, monthly, at the rate of 20,000 rupees for each battalion. Captain Popham was unwilling to make any demand until some capital service should have been performed by our troops; he deferred it therefore till after the reduction of Lohâr; and as the battalions under his command were something less in number than the Company's usual establishments, he was instructed by the Governor General and Council to remit 20,000 rupees per month in our claim; but the generosity of Captain Popham, and the justice of the English Government, were equally thrown away on the Ranna. The service for which he had required our troops was performed, and he thought that he no longer wanted our assistance. He used every evasion to avoid the payment; he pleaded inability; he requested a respite until the harvest could be reaped; and when he found that Captain Popham was positive in demanding a supply of money for the relief of his troops, who were then greatly distressed, he peevishly replied, that he would pay their arrears, and that they might re-cross the Jumna, and return to their own country. One month's pay, in part of the arrears, was at length obtained; but as the Ranna would not pay the remainder, Captain Popham did not think himself authorized to move without it; he continued therefore in the Ranna's country; and although the usage he had met with might have damped the zeal of a less active officer, he lost no opportunity of promoting the welfare of our faithless ally. The rains had now set in, and the difficulties of marching were very great; yet Captain Popham, with his little army, moved from Lohâr in pursuit of the straggling parties of Mahrattas, who still continued to infest the neighbourhood. In these operations he was almost unsupported; for the Ranna had returned to Gohud, and not more than 3 or 400 of his troops remained with the English army. By the spirited exertions of Captain Popham, the Mahrattas were soon totally driven beyond the confines of the Ranna's dominions; still, however, they possessed the fort of Gualior; and it was evident, that if it was suffered to remain in their hands, they might renew their depredations and encroachments on the Ranna's territories, whenever he should be deprived of the protection of the English forces; and it was our interest to weaken their power, and divert their operations.



This fort had long been reckoned impregnable. The enterprising mind of the English Commanding Officer was not to be discouraged by any difficulties: He formed the idea of reducing it, and for this purpose encamped at about 11 miles distance, at a place called Raypoor. The Ranna about this time became more urgent than ever for the return of the English troops: But as he still evaded the payment of their subsidy, Captain Popham could not comply. He shewed daily signs of discontent and suspicion; messages were constantly passing betwixt him and the Mahratta officer in Guâliar; and it was generally reported that he would soon make peace with the Mahrattas, and dismiss the English troops from his territories. So manifest, in short, were the signs of his disaffection, that Captain Popham could not trust him with his plans. Guâliar was assailed on the 3d of August, 1780, in the dead of night, and taken by a manœuvre which, for the secrecy and boldness of its execution, equals any thing to be met with in history. The glory of this enterprize was reserved for the English alone, as the Ranna was not informed of the design, until he heard that, on the morning of the 4th, the English flag was displayed on the walls of the fort.

The reduction of this important fortress opened a new source of contention. Encouraged by the easiness with which we had delivered up our former conquests, the Ranna claimed immediate possession of it. On the other hand the English Government thought it necessary that this important fortress should remain in possession of our troops, as during the continuance of the war with the Mahratta State the safety of the acquisition might be hazarded, if it were left to be protected by the Ranna's. These were the reasons set forth by the Board, in their Letter to the Court of Directors, of the 26th August, 1780. Additional reasons were however suggested at different times, which though I do not give them as my sentiments, for they were not mine, had their influence on the Board in continuing for some months to retain possession of this fort. It covered the expedition, which was at that time projected, and afterwards carried into execution under Colonel Camac; it was the key of Indostan; it opened a communication to Malva; it was a pledge of the Ranna's fidelity; and one of the Members gave his opinion that "it ought to be kept to be made use of in an accommodation with the Mahrattas;" and in strictness the treaty between the Ranna and us did not expressly require that this fort should be delivered over to him until the conclusion of the peace with the Mahrattas. To quiet however, as far as possible, the apprehensions of the Ranna, I wrote to him a letter containing the following sentence; (7th September, 1780, 6th Rep. App. 291) "I now find that the conduct of Captain Popham has given you apprehensions of the sincerity of our intentions in this point (the delivery of the fort). The case is this, you yourself are well acquainted with the importance of this place to us both, during the present war with the Mahrattas; and must be well convinced that the retaining possession of it is of the utmost consequence in the future operations against our enemies in that quarter. I must therefore request that you will suffer it to remain in our possession till the final conclusion of the present war with the Mahrattas; declaring to you at the same time, that as soon as peace shall have taken place with them, the fort of Guâliar shall be delivered up into your hands. It is yours, it is your right, nor has this Government any idea of alienating it."

But these assurances had no effect on the Ranna. He withdrew from the English. He refused to pay the arrears of the subsidy, and openly exclaimed that the English, in retaining the fort of Guâliar, had broken their faith with him. The fear of punishment however on the one side, and his hopes of some time obtaining from us this fort on the other, prevented him from taking a decided part against us. These motives obliged him to preserve some appearances, whilst he inveighed against us, and deterred all the neighbouring Rajahs from uniting with us.

Afterwards, when Colonel Camac arrived at Gohud, and it was thought expedient to make a diversion of the Mahratta forces, which were then opposed to General Goddard in Guzerat, by carrying the war into the heart of Madajee Scindia's country, application was made to the Ranna to furnish 10,000 horse, agreeably to the 5th article of the treaty. For some time he endeavoured to amuse the Colonel with promises; and at last, with great reluctance, he sent with our army two wretched battalions of infantry, and less than 200 horse, and these were, in fact, rather an incumbrance than an aid, for the Colonel was obliged to subsist them with money from the Company's chest; and he has often been heard to express apprehensions (which he affirmed were too well founded) of their deserting to the enemy.

The Rajah of Narwar, and every Chief who had correspondence with us, were loud in their exclamations against the treachery of the Ranna's conduct towards the English;—they asserted, that he was treating with Scindia for his safety, by deserting us, and that he made a merit with that Prince of his evading to join Colonel Camac. To this period all the minuter parts of the preceding detail, which are inserted to form the connection, and all the facts which do not appear



pear on our own records, are extracted from a protest which was prepared by Colonel Camac against the Rannah, but which considerations of policy prevented him from delivering.

Such were the disadvantages under which Colonel Camac marched into the Mahratta country. The great object of the expedition was indeed accomplished, in drawing Madajee Scindia from the Guzzerat Provinces, where he had long powerfully opposed General Goddard, and obliged him to attend to the safety of his own dominions. But the event had almost proved fatal to our army, for when it had reached Seronge, the Colonel found himself harrassed on all sides by parties of the enemy, his provisions were intercepted, and the Princes whom he expected to join him all stood aloof.

In this situation, when the army was reduced to great distress for provisions, it was determined to return towards the Ranna's country, and letters were dispatched to the Commander in Chief, desiring that the troops then stationed at Futtighur, under the command of Colonel Muir, might be sent to support them.

The Futtighur detachment was accordingly sent, and arrived at Gohud on the 29th March, 1781, where Colonel Muir received intelligence of Colonel Camac's having surprized Scindia's camp near Colares, on the 24th of the same month, and of his having put the Mahratta army to flight, and taken several guns and elephants, and a quantity of ammunition. In the letter which I received from the Colonel, dated 29th March, 1781, on this occasion, there is the following remarkable paragraph.

“ My accounts from Sipperry further mention, that letters have been intercepted from the Ranna to Scindia, wherein the Ranna congratulates him on the successes which have attended all his late schemes in distressing the English army, and warmly recommends Scindia's marching part of his army into his country, with assurances of not only joining him with all his own force, but that all the Rajahs and Chiefs around are ready to follow the fortune of Scindia; and indeed I must confess that the whole of the Ranna's conduct for some time past has been such as to give some grounds for crediting this report; and without descending to particulars, of which you must have long since information, I shall only beg leave to observe, that ever since I have entered his country it has been with difficulty I have procured a sufficiency of provisions to answer the daily consumption in my camp, although the greatest encouragement has been published throughout the country, nor has the value of a rupee been taken without paying for it; and *all this I have the most positive proof has been owing to prohibitions published by our supposed ally the Ranna.* To this treatment, were we to add his late evasions and non-compliance to every requisition by Captain Palmer to march to Camac's assistance—these are circumstances, which if not absolute proofs of his disaffection, they are at least strong indications to suspect him. How far Colonel Camac's recent success, and my entering this country with so formidable a force, may operate on him to take a decisive part, a very few days must now determine.”

Colonel Muir did not arrive at Antry till the 4th of April; the many disappointments he met with in procuring cattle to bring supplies of grain had delayed his progress; and having had no assistance from the Ranna, the difficulties he experienced were beyond conception. Every persuasion in his power was used, but to no purpose, for the Ranna still kept aloof, and his example deterred any of the neighbouring Princes from espousing our cause.

About this time a measure was adopted by the Council of Fort William, (then reduced to two Members, myself and Mr. Wheler) which ought to have dissipated all the Ranna's suspicions, and rivetted him to our alliance for ever.

An Order was issued, on the 2d of April, for delivering up to him the fort of Gualiar.—

Whilst this fort was kept in our hands I could make every allowance for the suspicions and even the disaffection shewn towards us by our ally: But if any thing could be offered in extenuation of his conduct, previous to the delivery of it, what shall we say if we find him afterwards uniformly pursuing a system of fraud and treachery?

Colonel Muir, on the 30th May, 1781, wrote to me from Jomgery, as follows: “ Immediately on my having received advice of the Ranna's being in possession of Gualiar, I addressed him agreeable to the Board's instructions, a copy of which, with his answers, and translations of each, I now do myself the pleasure to inclose you. So very evasive and unsatisfactory a reply had determined me to protest against him without further delay; but just as it was ready for dispatch I received such information from a gentleman of my family, whom I sent some time ago to reside with the Ranna, (with instructions to keep a watchful guard  
“ over



“ over his conduct) as inclined me to suspend my protest for a few days, and give him an opportunity of reflecting on the consequences that he had to expect, should my operations be procrastinated through any delay on his part. I am further induced to postpone pushing him to extremity, as I had received advice of a quantity of grain having been purchased and ready to be dispatched from different parts of his country; and as this supply must arrive in a few days, I shall, until then, defer my protest, which I however still hope his conduct will render unnecessary. Report says, the Ranna is collecting his forces; and he has declared to Lieutenant Gowan (now with him) that by the expiration of the twelve days (mentioned in my letter to him) he will join me with 3,000 horse, and four battalions of his infantry. The sincerity of these assurances a few days will determine. I cannot pretend to declare any fixed opinion of the Ranna's sentiments. His conduct must now be the only criterion to judge by; and it affords me a most sincere satisfaction, when I reflect that I must, in a few days, put him to the ultimate test; when he must prove himself a faithful ally, or I must declare him an open enemy to the Company, whose troops have suffered more than I wish to mention by his *evasive treacherous conduct*. I am, &c.”

The Ranna still persisted in his evasions. At length, on the 13th June, the Colonel drew out the following Protest, a copy of which he communicated to the Governor General and Council, in his letter of the 20th July, 1781. Both the letter and protest are before the House; but as the latter contains several important facts, I will beg permission to read it.

“ *Memorial of Colonel Muir, Mubarrig ul Mulluck Istikkar ul Dowlah Behudur, on the proceedings of the Maharajah Ranna Chuttur Sing, Luckhindie Delleer Jung Behudur.*

“ Whereas in the month of December of the Christian æra 1779, and of the Higerā in the month of Zecada 1193, the contracting parties, that is to say, the said Maharajah Ranna on his part, and the Governor-General and Council on the part of the English Company, did conclude and ratify, sign and seal, a perpetual and firm treaty of alliance and friendship between each other, and in conformity to which the English gentlemen have in every respect fulfilled their engagements and promises to the Maharajah Ranna: And whereas the Maharajah Ranna has failed in many points agreed upon, such as in being dilatory and neglectful in the payment of 70,000 rupees, month by month, for each of the Company's battalions sent to his assistance, according to the 2d article of the treaty; in withholding the share of the English in the revenues of the Cutchwagar, as prescribed in the 4th article of the treaty; in corresponding with the Mahrattas without communication to the English; and furthermore, in being inattentive in regard to the supplying of Colonel Muir's army with grain in their march through his country, and in many other acts of insincerity, it is become necessary to make known to the Princes of Indostan the defection of the said Maharajah Ranna, and the good faith of the *English nation*, to the end that an infraction of the treaty may not in anywise be imputed to the Governor-General and Council, or they be supposed to have deviated from the strictest justice.

“ But whereas principally it was stipulated and contracted for by the Maharajah Ranna, in the 5th article of the treaty, that whenever the war between the English and Mahrattas should be carried into the Mahratta's country, he should, on requisition, furnish 10,000 cavalry at his own expence, towards their assistance; yet though this force was frequently and urgently required during the command of Colonel Camac, the Maharajah Ranna pleaded his not being in possession of the fortrefs of Guāliar, in excuse for his non-compliance. Now though Guāliar had been taken solely by the valour and conduct of the English arms, without any military aid whatever from the Maharajah Ranna, and though the immediate surrender of the fortrefs was not enjoined by the treaty, yet the English gentlemen, solely to evince an extraordinary regard to public faith, gave up the fortrefs, with all its cannon and stores, to the Maharajah Ranna.

“ Moreover, the Maharajah Ranna, after being invested with the possession of the said fortrefs, repeatedly promised to join the English army, but being urged to fulfil those engagements, he still evaded their execution on the most frivolous pretences. Finally, whereas the Maharajah Ranna wrote us a letter in these express terms, on the 16th of Zemmedi ul Sany, “ I will join the English camp;”—and even from his promise has also swerved; it cannot but be manifest, that the Maharajah Ranna has not performed in anywise his part of the treaty, and that he is totally disinclined from assisting the English.



" It is on all these considerations become incumbent upon me, who command the English army now on service against the Mahrattas, in the dominions of the Maharajah Mihieput Sing Tughinda Bahadur, the Rajah of Nurwa, to publish, in my own name, this written Memorial and Protest, on account of the violation of the treaty.—Be it therefore known to all the Princes and Nobles of Indostan, to high and to low, and to the whole world, that, compelled by necessity, and by these breaches of the treaty, I from this day suspend all intercourse whatever with the Maharajah Ranah, either by letter or embassy, until the pleasure of the Governor-General and Council on these premises shall be understood.

" Given at the English camp, near the village of Dongree, the 20th Jemmadi ul Sani, A. H. 1195, or the 13th of June, of the Christian æra 1781.

(Signed) G. M.

(Signed)

Thomas Ford,

Persian Interpreter."

This Protest was sent to Lieutenant George Gowan, who acted at that time as the Colonel's agent with the Ranah; but as the Colonel was desirous of still giving the Ranah an opportunity of preventing a total separation, it appears that the following instructions were sent with the Protest to Lieutenant Gowan.

" To Lieutenant George Gowan, &c. 14th June.

" Sir,

" I have it in command from Colonel Muir, to transmit you a protest in the Persian language, that agreeable to the orders of the Governor General and Council, and from the Rana's ill-judged conduct, he has been obliged to prepare against the proceedings of that Prince; accompanying also I send you a true translation of that paper.

" It is the Colonel's pleasure, that immediately upon the receipt of them you do wait upon the Maharajah Rana, and inform him of your having them in your possession, and of these consequent instructions, to which you are invariably to conform.

" After this elucidation, you will please to require from him a written engagement, under his seal and signature, to join on a certain specific day (not to exceed the tenth from your receipt of this letter) the army under the command of Colonel Muir, agreeably to the spirit and meaning of the 5th article of the treaty with the Honourable Company, or with such force and supplies of provisions, as he can possibly by that period collect for the service.

" But should the Maharajah Rana, under any pretext or evasion whatsoever, decline or refuse to enter into this agreement; or after having entered into it as before specified, neglect or be dilatory in its performance, it is the Colonel's positive order, in such case, that you do instantly and in form, deliver to him the Persian protest, and yourself repair to this camp without loss of time.

I am, Sir, &c.

(Signed) T. F."

I am not in possession of the letters which were written by Lieutenant Gowan to the Colonel, and I do not recollect the excuses which the Rana made for deferring to comply with the Colonel's requisitions. I find however, that nothing was produced by these requisitions, and that Colonel Muir afterwards deputed Captain Ford, to whom it appears he wrote the following letters, under date the 17th and 21st July.



“ To Captain Thomas Ford.

“ Sir,

“ I have the pleasure of your's of yesterday: With respect to the conditions held out by the Rana, they are so very absurd, that any reply becomes almost unnecessary: He says he will join upon no other terms than upon my engaging to furnish his troops with provisions. Surely this is a requisition you might have taken upon you to have given the most positive reply to. The Rana cannot surely have the assurance of making my inability of supplying him a plea for his non-compliance with the article of the treaty which respects this expedition. I request you will fully explain (what he is perfectly acquainted with) to the Rana, the difficulties I experience daily in procuring grain for my own troops, and how impracticable I find it to have the least overplus to lay up as a magazine; of course the impropriety of my entering into an engagement to supply him with what I plainly perceived the impossibility of my fulfilling; you will also remind the Rana of the expectations of our Government regarding his supplying my detachment with provisions, my perfect knowledge of the positive proofs of his country abounding in grain, and that his exertions were and are only wanted, to adopt such measures as would encourage the Banjarees and Beparees to proceed to my camp with alacrity and satisfaction to themselves.

“ The Rana, from your letter, seems to wish me to understand, that my answer to his very positive requisition is to determine him in the measures he is under the necessity to adopt without delay; It therefore behoves me to authorize you to acquaint him, that notwithstanding the Board's instructions to me, directing me to demand his assistance respecting supplies, I am ready to forego every demand on him of that nature, and will, as I have hitherto done, endeavour to supply myself, as he must his troops, without any promise of assistance from me.

“ After having delivered yourself as above to the Rana, you will, as if by my request, particularly caution him, and point out to him how much the Governor has already been disappointed in his expectations—how much the service has been retarded by his most unaccountable conduct. Remark that the present is a most critical juncture, and that the least abatement in our expected assistance from him cannot fail of making him obnoxious to a Government who have suffered themselves to be too long amused by his evasive promises.

I am, Sir,

Your obedient Servant,

Sissai,

17th July, 1781.

(Signed) G. MUIR.

Extracts of a Letter from Colonel Muir to Captain Thomas Ford;  
dated Sissai, 21st July, 1781.

“ I have the pleasure of your letter of yesterday, covering one from the Rana. I am sorry to observe that the arguments you have urged to stimulate him to a performance of his engagements have not been attended with success; and, as I am perfectly convinced he wants inclination (and not the power) to fulfil every article required of him, I can consider his present pretences to the contrary in no other light than a fresh proof of what I have long suspected, viz. a determined resolution in him, not only to fail in fulfilling every essential assistance expected from him as an Ally, but even to throw obstructions in the way of the supplies coming to the army. You will be pleased to desire the Rana to recur to his engagements, as stipulated in the treaty; his most sacred promises of assistance to the Governor, and to me, since his being put in possession of Gualiar; and the length of time he has had to prepare and equip an army, in every respect adequate to that I have repeatedly pointed out to him: After which you will recommend him to his cool reflections, and then let him account to our Government for his conduct.

Upon



“ Upon the whole, you will be pleased to inform the Rana, that so fully convinced as I am of his ability to fulfil every engagement, and afford every assistance required of him; I cannot of course any longer admit of such vague excuses as he has all along held out as pleas for his delay. His last demand of assistance from me to supply his troops with provisions (as the only condition upon which he would join) is so positive a proof of his infidelity, that so far from deserving any serious reply, I ought, in justice to myself, not to have hesitated in obeying the orders of Government, by immediately protesting against him for infraction of the treaty.

“ From what is above set forth, you will be guided in every respect as to what I shall consider vague and frivolous excuses; you will in consequence acquaint the Rana, that I am determined not to suffer myself to be any longer amused with his evasive promises and unaccountable delays, by which the public service has already sustained more injury than it would have done by an early positive refusal on his part.

“ Should you see no probability of effecting a favourable change in the Rana's conduct, I desire you will inform him, that I shall without delay protest, agreeably to my instructions, and refer him to the Council; after which you will proceed to join me at your convenience.

These are the only letters betwixt Colonel Muir and Captain Ford which have come into my hands, and these are surely enough to shew that the Rana still evaded to fulfil the terms of his treaty, and that the excuses he assigned were frivolous and insufficient.

During the important period which was thus wasted in endeavouring to persuade our faithless Ally to a sense of his duty, Colonel Muir had joined the troops commanded by Colonel Camac, and was laying with the united army at Sissai, a place situated in the Mahratta dominions, several days journey beyond the frontiers of the Ranah's country.

His troops were suffering great hardships from sickness and want of provisions. The main body of the enemy, under Madajee Sindia, was lying very close to them, and parties of horse were hovering about, harassing his camp and intercepting his supplies.

It appears that the Rana, being reduced to the alternative of either joining the Colonel or relinquishing our alliance, did at last join about the beginning of August, but with a body of troops very inferior to what he had stipulated, and very unequal to the performance of any service, being only two battalions of infantry, and 1,200 cavalry.

About this time overtures were made by the Mahrattas for commencing a negotiation for peace. They were made through the Rana, and the Colonel thought it adviseable to encourage them: Accordingly, on the 16th August, Chimnagjee Row, the Mahratta Envoy, arrived in the Rana's camp, where he had a conference with Captain Ford, who afterwards introduced him to Colonel Muir. In the mean time the Colonel applied to me for instructions and powers to treat: These were immediately sent to him; and on the 13th October, a treaty was finally concluded betwixt the Colonel and Madajee Sindia, in which the Colonel, agreeable to the instructions I had sent him, particularly included the Ranah, stipulating, that the Fort of Gualiar should be preserved to him, and that the country, taken possession of by the English from the Mahrattas, on the South side of the Jumna, should be restored, or, in other words, that the Ranah should retain the acquisitions which he possessed without our participation, and that all those in which we held a share should be given up. Having thus, in spite of all the evils which had arisen from the Ranah's infidelity, adhered on our parts to every article of our agreement, and attended to his interests even to the very conclusion of peace, let us see how the Ranah conducted himself in this last scene.—The following is a Copy of a Letter which I received from Colonel Muir:

#### Copy of a Letter from Colonel Muir to the Governor General.

Sessai, 6th October, 1781.

“ Dear Sir,

I have the honour to acknowledge the receipt of the original and duplicate of your letter of the 10th ultimo, with the several papers that accompanied them. The answer which I had given to Scindia's proposals coincided almost exactly and verbatim with your own sentiments on this



this occasion, and would very probably have effected an earlier termination of the business, had not a discovery been made, during the course of the negotiation, of an incident that might have produced embarrassing consequences, had not our honour been held in higher estimation than that of its machinator.—Chimnaje Row being pressed to admit the Rana as a party in the treaty, objected to the proposition, and, upon our importunity, urged the impropriety of the demand, declaring openly, that the Rana had made a separate written engagement with Scindia, by which the whole of his possessions were secured to him.—This clandestine transaction was even carried on in our own camp during the Rana's last visit here; immediately after which he withdrew to Gualiar, promising to return in fifteen days; which he has not only evaded ever since, but remanded his army, and on the whole appears totally unconcerned as to our affairs. Notwithstanding these insults, I have prevailed upon Scindia's Agents that his present dominions shall be guaranteed by the treaty, specifically including the fortlets of Gualiar.—It will not however be uninteresting to you to be informed, that notwithstanding the unfair precautions taken by the Rana, the Mahrattas themselves seem greatly dissatisfied with his conduct, and Chimnaje gives me some encouragement to expect, that a copy of his treaty shall be delivered to me; a point which I have much at heart to gain, and which is evidently of the highest importance.

“ The treaty is at last fairly made out, and is this day transmitted to Scindia for his approbation: To-morrow it will be returned, and, if approved, Captain Ford will be dispatched to his camp to see his signature and seal affixed; after which interview, I shall be able to write you fully on every point of the important charge entrusted to my management.

“ I cannot conclude this letter, without expressing the most hearty satisfaction at the very eminent success which has attended your measures for the reduction of the Benares Zemindary. The execution of them has done signal honour to our arms, and will most probably for ever secure this country, and every other under our protection, from being again made the dupe of faction and ambition.—I beg leave to present you my warmest congratulations on the occasion, and to assure you of the perfect respect and esteem, with which I am, &c.

“ (Signed) G. M U I R.”

Colonel Muir afterwards procured a copy of the agreement granted by Scindia to the Rana, which he transmitted to me, under the attestation of Sewajee Etul, one of the Mahratta Chiefs, who bore rank in the army next to Scindia himself, and who had been chiefly employed in negotiating and settling the whole of the business.

A translation of this instrument is in possession of the Honourable House: I will not therefore further trespass on their time, than to remark, that it is of a nature altogether inconsistent with the faith which was due to us by the Rana, and that there is one article in it in particular, where he endeavours to restrain the Mahrattas from making peace with the Europeans, meaning thereby undoubtedly the English nation, with whom they were then at war, and whom he was bound to assist as their Ally. So glaring an act of treachery rendered the Rana unworthy of our further protection.

In the treaty which Colonel Muir had concluded with Madajee Scindia, an opening was by my desire left for a general pacification with all the Mahratta Powers; and as I was desirous of effecting an object, which the situation of our affairs both in India and Europe rendered so desirable, I deputed Mr. Anderson, who was at that time with me at Benares, with full powers to negotiate on behalf of the English Government; and in the instructions which I gave him on his departure, I inserted the paragraph which I have before quoted, viz. “ You will of course be attentive to any engagements subsisting between us and other Powers, in settling the terms of peace and alliance with the Mahrattas; I except from this precaution the Rana of Gohud, who has been guilty of the most flagrant breach of faith towards us in every instance, after a most faithful and scrupulous performance of every stipulation in his favour by us, and after we have saved him and his country from certain destruction: Leave him to settle his own affairs with the Mahrattas. Colonel Muir will give you complete intelligence regarding the Rana's conduct, and from this you will judge whether he is worthy of being any longer considered as our Ally.”

Mr. Anderson accordingly held several conferences with Colonel Muir in his Camp at Etaya, and received from him full information of the treachery of the Rana, and of the many instances



in which he had violated his engagements with the English.—He pursued his enquiries, after his arrival in the Mahratta Camp, on the only point which could not be incontrovertibly proved from Colonel Muir's own knowledge, namely, the separate agreement settled between the Rana and the Mahrattas, and he communicated the result to me, in a letter dated the 20th January, 1782. The letter is long, and is already before the House; but as it contains material information, I will beg permission to read it.

“ Extract of Bengal Secret Consultations, the 18th of February, 1782.

“ Dear Sir,

“ Enclosed, I have the honour to send you a duplicate of my letter of the 26th instant.

“ I shall in this letter give you as full an account as I have been able to procure, of the present disputes betwixt the Mahrattas and the Ranna of Gohud.—The claims of the Mahrattas are as follow :

“ 1st. They claim a right to the restitution of Cutchwagar, the territory which was conquered from them by the united forces of the Ranna and the English, and which, according to the treaty of Colonel Muir, should have been restored to the Mahrattas. Bow Bucksey was sent with a body of troops to collect the revenue of it, and in some parts his Aumils have been established, but the principal forts have, however, continued in the possession of the Ranna. The Mahrattas demand, therefore, either the entire surrender of these forts, or a fixed revenue, at the rate of 5,04,000 per annum.

“ 2d. A tribute on account of the district of Binde. It appears that this claim is derived from the time when that country was in the possession of the Mahrattas. It was taken from them by the late Vizier Sujah ul Dowlah, when he reduced the countries on this side of the Jumna, as far as Jansey; and, at the request of the Ranna, it was given by the Vizier to Buht Sing, Rajah of Badour. It was afterwards taken from him by Asoph ul Dowlah, and given to Himmut Bahader. Again it fell into the possession of Buht Sing; when Himmut Bahader, alarmed at the designs of Moktur ul Dowlah, fled to Nudjif Cawn, at Delhi. This claim, therefore, is in fact not against the Ranna, but against Buht Sing, who still retains possession of the district of Binde. But the Ranna has drawn it upon himself, by assuming the patronage of Buht Sing, and the management of his political interests, and declaring he will stand forth in his defence.

“ 3d. Five Mehals of Sukerwary, which of old belonged to Nurwar and Gualior. They were afterwards conquered by the Mahrattas, and annexed to Cudeir under Eetit Row. Some years ago they were reduced by the Ranna. The Mahrattas are desirous of recovering these five Mehals, though I am not sure if they have yet formally demanded them from the Ranna.

“ These claims have for some time past given rise to a variety of discussions; and on my arrival in camp, I found that there was a negotiation on foot betwixt Scindia and the Ranna, which was conducted on the part of the latter by Hir Pirshaad, Moonthey of Sewajee Eetul. The Ranna, it is said, claimed the Cutchwagar country, agreeable to the separate treaty which he had made with the Mahrattas; but the difficulty lay in settling the annual revenue. For the present year, in particular, the Ranna claimed large deductions on account of the depredations and collections made by Bow Bucksey. To the second claim also the Ranna was willing to agree, but he claimed a deduction on account of the districts of Mahguwan, &c. which, though they had formerly belonged to Binde, had for many years past been annexed to his own possessions. For some days there remained a prospect of an accommodation, till Scindia thought it expedient to accelerate the negotiation, by letting loose his Pindarries on the Ranna's country.

“ Both parties then applied to me, as the representative of the English Government. The Ranna complained generally of the bad faith of the Mahrattas, and the intentions which they had formed of deviating from the terms of their agreements respecting him, as stipulated in the treaty of Colonel Muir. Scindia applied more particularly: he sent a message to me by Bow Bucksey, representing that disputes had arisen betwixt him and the Ranna; that he had in vain endeavoured to settle them by amicable means. He had now advanced to the borders of the Ranna's country, but could not proceed further until he had asked my advice, as representative of the English Government, lest his conduct might occasion disputes betwixt him and the English, which he was extremely desirous of avoiding.



“ The answer which I must ultimately give to these applications was clearly pointed out in my instructions, but several reasons induced me to defer giving any answer whatsoever for a few days.

“ During my stay at Etaya, Colonel Muir complained much of the conduct of the Ranna. He accused him of not marching in time, or with a sufficient body of troops, to his support; of neglecting to use his endeavours to procure supplies of grain for the army; and of clandestinely negotiating and concluding a separate treaty with the Mahrattas, contrary to the interests of the English. The two former of these charges depend on facts that come within the immediate knowledge of the Colonel, and however the Ranna may attempt to justify or extenuate them, their reality cannot be doubted; I have therefore confined myself in my enquiries to the last charge. The Ranna, on finding that he was suspected of having entered into separate engagements with Scindia, justified himself by saying, that he had Colonel Muir's permission in writing for so doing. Having desired to see a copy of the Colonel's permission, and also of the agreement entered into by him and the Mahrattas, on both sides, he sent me the copy of a letter said to have been written to him by Colonel Muir, under date the 27th August, 1781, of which the following is a translation—“ You may afford every degree of assistance to Chimnaje, that in the manner that I have stipulated 18 days on the subject of peace, I am hopeful that it will certainly take place in that period according to what I have written: assure him also that in that space of—will make no attack, nor commit no kind of hostilities, on condition that none are committed by the opposite party: You must also obtain some assurance on this head from them; and if the Pattele pleases, let writings be mutually given on this subject: also in this space no troops will march across the Jumna.”

“ The Ranna said, that he could not send the two other papers as required, lest they might be intercepted on the road; afterwards, on my appearing still unsatisfied, he sent me the copy of a letter which he wrote to Scindia in consequence of the above permission, the translation of it is as follows:—“ Chimnaje formerly went from this, and will inform you of all the particulars of peace and friendship betwixt you and the English: in 18 days peace will be established between you and the English, and if any deviation should take place in what has been settled, I will join with you. Dated Badoon Sood Khyas, Sumbet, 1838.” This letter was written, he said, to prevent the Mahrattas from breaking up the conference: he maintained that he had executed no other engagement whatever, and desired that if Scindia alleged the contrary, he might be required to produce it.

“ Having obtained so little insight into the real conduct of the Ranna through this channel, I resolved to try what I could procure through the means of the Mahrattas; and I was the more inclined to make an enquiry of this kind, because I must in the end decline any interference in their disputes; and as this must appear a concession to them, I was desirous that it should not be considered as the effect of a temporary policy, or of too easy a disposition in us, but as the result of well-grounded suspicions, or perhaps a clear detection of the perfidy of our late ally, which no longer made it necessary for us to assert his rights.

“ Accordingly, when I received Scindia's message, I replied, that the disputes which were going on between him and the Ranna could not have escaped my ears; but that I had hitherto paid no attention to them, and might never have appeared to know any thing of them, if he had not first broached the subject. That, considering the Ranna as one who was connected in alliance with the Company, it might have been my duty to assert his rights, according to the treaty of Colonel Muir, but that some suspicions which were entertained of his faith had induced me to remain silent; that suspicions alone, however, could not be opposed to solemn treaties; and as these suspicions were founded on transactions said to have passed betwixt the Mahrattas, previous to the treaty of Colonel Muir, they only could know with certainty how far they were just or not; and that I wished therefore that they would shew me some authentic proofs of the Ranna's treachery towards the English Government, before I returned any answer to Scindia's message.

In the course of the two following days Bow Bucksey informed me, by desire of Scindia, that previous to our delivering over the fort of Gualior, a treaty was in agitation betwixt him and the Ranna, through the means of Gungudir, but that the negotiation was afterwards broken off;—that some months before the date of Colonel Muir's treaty, Chimnaje and Germaje were sent to the Ranna, and a second negotiation took place. The Ranna drew out and sent a form of an engagement, which he wished to obtain for his own satisfaction and security, and verbally promised, that if Scindia would return it to him executed, he would distress the English detachment, by cutting off their supplies of grain, and give them every molestation in his power in their march back towards the Jumna. That Scindia accordingly sent to the Ranna a paper under his seal and signature, in which the articles, as proposed by the Ranna, were transcribed, and under each of them short sentences were written, either mark-

ing



ing his approbation, or expressing the alterations or conditions which he thought necessary ; and that soon after the negotiation took place with Colonel Muir.

“ It appeared from this representation, that no agreement whatever had been executed by the Ranna ; and on my expressing my surprize at the seeming inconsistency of this circumstance, it was observed, that the articles of agreement were all in favour of the Ranna, and that Scindia being much superior to the Ranna, and requiring nothing from him, did not think it necessary to exact any writing—The only proofs which Bow Bucksey could bring me of the reality of the agreement, were

“ 1st. A paper not signed or sealed, but said to be the original paper of articles sent by the Ranna : a translation of these articles, and the answers, accompanies this letter. It corresponds with the paper formerly sent by Colonel Muir, in every thing but the arrangement of the articles and answers ; a difference which may be easily accounted for, from the cross manner in which it was written.

“ 2d. An original letter from the Ranna to Bow Bucksey, dated Cuttach Suddajeh, in which he complains of the Bow for entering the district of Cutchwagar, contrary to the agreement which had passed betwixt him and Scindia, through the mediation of Sewajee Eetul.

“ These were all the written proofs that the Mahrattas could produce to me. They alledged, that the nature of the agreement, which was executed only on one side, could not admit of more ; and that a considerable difficulty had arisen in clearing up the matter by circumstantial evidence, as the negotiation had been managed by Sewajee Eetul, and the servants Chimnaje and Girmajee, who had since espoused the Ranna's cause, and were on that account at some degree of variance with Scindia. Though these proofs fall short of what might have been expected, I have scarcely a doubt in my own mind that a negotiation took place between the Ranna and the Mahrattas, previous to the treaty of Colonel Muir ; and I even believe that he received a separate agreement from Scindia, though it is plain that a counterpart was not executed by him. It seems probable that Scindia's distresses led him hastily to grant this agreement ; and that a prospect opening soon after of a peace with the Colonel, he entered as hastily into it, without concluding effectually his measures with the Ranna, satisfied perhaps with only that letter, which the Ranna himself acknowledges to have written to him, and which is quoted in the course of this address.

“ The Ranna has indirectly alledged, though I know not with what sincerity, that on my requisition he would deliver up the forts of Lukar, &c. and settle the revenues of Binde. If such a requisition were made, he might claim our interference in settling all his disputes. If the Ranna was sincerely desirous of fulfilling this part of the treaty, he is doubtless informed of the articles, and might do it of himself, without any requisition, but I believe he has made no such proposals to the Mahrattas ; and though some of their pretensions are ill-founded, yet, whilst the Ranna maintains possession of the forts, they have a just right, according to the late treaty, to use hostile measures against him. The Ranna may deserve to suffer for his conduct towards us, yet, in a political light, as his territories form a strong barrier to our own, it seems not our interest that he should be entirely destroyed, but this is an event of which he appears to have no apprehension ; except from the interference of the English, his territories may be over-run, and laid waste, by superior numbers, but secure in his forts, he may bid defiance to the whole force of the Mahratta empire for a period of years ; and whenever necessity compels them to withdraw their armies, he may easily recover all the open country. The Mahrattas themselves, though they affect a high language, and have even sent for some battering cannon from the fort of Belsah, are, I believe, fully sensible of their inability to reduce the Ranna, or make a permanent conquest of any part of his territories. Both are apprehensive of the interference of the English, and both gave out that they expected our aid. There is nothing so arduous which they think may not be achieved by us ; and it was recommended to Scindia, by some of his counsellors, to ask our assistance in the reduction of Gualior. But no proposition of this kind has been as yet made to me.

“ The answers which I have given are such as leave us in a perfect state of neutrality. To the Ranna I have declined interfering in his behalf, because I have no authority from you ; and because, from apparent circumstances, his disputes with the Mahrattas are grounded on agreements with them foreign to the treaty with Colonel Muir ; and to Scindia I have declined giving any advice, because, though he has afforded grounds to suspect that the Ranna has acted improperly towards us, yet the proofs he has produced are not such as could justify me in taking a decided line, without the orders of my superiors ; and, in the mean time, I have declared to both, that I must leave them to settle their disputes betwixt themselves.

“ The



“ The substantial part of these answers is framed exactly according to the letter of your orders; and the reasons which I have assigned will, I hope, meet with your approbation—they are calculated both to impress the Ranna and Scindia with a just sense of our public faith, since they evidently imply that uncertainty alone induces us to stand neuter; and that a more clear conviction of the Ranna's fidelity or perfidy would have biased us to take an active part either for or against him.

“ Although war has actually commenced, yet the negotiations betwixt Scindia and the Ranna are still going forward; and it seems not improbable, that in a short period the whole of their disputes may be accommodated.

I am, &c.

(Signed)

D. A N D E R S O N.”

“ Scindia's camp, on the Banks of the  
Purbutty, four cofs from Ninjar,  
29th January, 1782.”

This letter was laid before the Board on the 18th of February, 1782, and as we considered that the Ranna had forfeited all claim to our protection, the Board and myself for a long time thought it unnecessary to give Mr. Anderson any further instructions on the subject: and in the mean time the Mahrattas continued to pursue, with slow but gradual operations, the war which they had commenced against the Ranna. I will here summarily repeat the reasons which determined my conduct on this occasion.

The Ranna had broken his treaty with us in all the following instances:

He had not paid the subsistence of the troops sent to his assistance, either regularly or completely, and in this had broken the second article of the treaty.

He had not accounted for the Company's share of the revenue of the Cutchwagar country, according to the 4th article of his treaty.

He had not complied with the requisition of the English Government for 10,000 horse, and had thereby broken the 5th article of his treaty.

He had acted in a manner very inconsistent with his alliance with us, not only in not assisting our troops in procuring, but even in using his endeavours to prevent their procuring, supplies of grain and provisions.

He had treacherously entered into an agreement with our enemies, which was in its nature hostile to us, who were at that time his allies.

These reasons were surely sufficient to divest the Ranna from having any claim to be considered by the English as an ally whom they ought to protect. But there is another reason why the Ranna, even if he had not been guilty of all these infidelities, had no right to claim our support in the war which broke out betwixt him and the Mahrattas; for the Honourable House will observe, the principal cause of that war was, a dispute relative to lands which the Ranna held in consequence of his separate agreement with the Mahrattas, and in contradiction to the treaty which Colonel Muir had settled with them on behalf of the English Government; wherein it was stipulated, that these lands should be given up to them. Surely the Ranna could not expect us to support him in keeping possession of lands to which he possessed no right, except what was founded on an act of treachery towards ourselves; and surely we could not give him such support, without breaking our treaty with the Mahrattas, one of the articles of which was, that these lands should be restored to them.

I entreat the forgiveness of the House, for thus intruding on their time so long a detail: the importance of the accusation rendered it necessary, and I presume that they will rather wonder at the patience with which I bore this long scene of perfidy and treachery, tending to frustrate all the schemes I had projected for the advancement of the safety, interest, and glory of the British nation from that quarter, than think me blameable in thus leaving our faithless ally to settle his own affairs with the Mahrattas. I have now only a few words more to offer on the subject of this Charge.



Several animadversions are passed in it, on the conduct which I observed towards the Ranah, in the endeavours which were afterwards used to mediate a peace betwixt him and Madajee Scindia. For an account of this transaction, I beg leave to quote the words of the letter from the Governor General and Council to the Court of Directors, dated 20th October, 1783. "Independent of any view to the acquisition of territory, Madajee Scindia has manifested great personal enmity against the Ranah of Gohud. A Vackeel from the Ranah arrived here in April last, with proposals for the interposition and guarantee of this government, to effect and secure a peace between him and Scindia. Although the Ranah *had forfeited every claim to our support and good-will by the treachery of his former conduct*, yet on principles of policy and humanity, we recommended it to Mr. Anderson to use his interposition, if Scindia was likely to be influenced by it, to grant him a peace. Mr. Anderson, however, met with no success in his attempts to urge such a wish. Before the fall of Gualiar, and prior to that event, his brother writes, that Scindia had declared his intention to prosecute the war to the extermination of the Ranah, assigning as a reason, that he had broke his faith so often, that he was not to be trusted. We thought this a fit occasion to express our interposition more directly to Scindia, and therefore directed Mr. Anderson to apply to him in our name, requesting that he would carry his resentment no farther against the Ranah, in which case we would become guarantee for the Ranah's faithful observance of any agreement which might be concluded between them."

In the form and manner in which this part of the Charge is drawn, it seems to be the endeavour of my accuser to impress the mind with an idea that no efforts were used by the English government in favour of the Ranah until his affairs were desperate, and until such efforts, if they had proved successful, must have been of no avail; being deferred till after the reduction of Gualiar. This I deny. The first letter that was written to Mr. Anderson to sound the sentiments of Scindia, and offer our mediation, was dated the 21st April, 1783, and Gualiar was not reduced till the 31st July, 1783. Mr. Anderson made an attempt to urge our wishes to Scindia very soon after the receipt of our letter, but it met with no success. The attempt seemed to give Scindia a degree of jealousy which Mr. Anderson had been cautioned to avoid; and the means which he used to remove it, when he found that there was no prospect of our mediation being accepted, was by affecting to treat the subject with an appearance of indifference. The House will observe with what ingenuity the expressions used by Mr. Anderson on that occasion are quoted as my sentiments. They will also observe with what ingenuity, on another occasion, the language used by Mr. Anderson in combating an application of the Mahrattas for our assistance against the Ranah is converted, in the Charge, into arguments for defending the Ranah against them.

From the time that Mr. Anderson received the Boards orders of the 21st of April, 1783, I believe he watched every opportunity of offering our mediation in favour of the Ranah; and afterwards, when he received my instructions of the 24th of September, 1783, he held frequent conferences on the subject with Scindia's Ministers, which, however, were attended with no effect. But as I trust that I have proved that, after so many acts of treachery, and violations of faith, we were not bound in justice to support or protect the Ranah; it would be a useless waste of the time of the Honourable House to enter more minutely into a discussion of the measures which were taken in his behalf. What could be done in the way of friendly mediation was done. We did not proceed any further. And I imagine it will be sufficient to recall to the recollection of the House the state to which the Company's affairs were reduced by the late war, to shew that it would not have been justifiable in the English government, from mere motives of a limited policy, to have ventured the renewal of hostilities with the Mahrattas, for the sake of protecting a man who, during his alliance with the Company, had broken every article of his treaty, and at last sacrificed us and our interest to a treacherous alliance with our enemies.

---

## ANSWER TO THE FIFTEENTH CHARGE.

### R E V E N U E S.

I AM charged with having harrassed and afflicted the inhabitants of the provinces, by frequent changes in the system of administration of the Revenues, contrary to my own declared opinion, that innovations were always attended with difficulty and inconveniencies.



General principles in theory often require deviations in practice : an alteration in the system of managing the finances of a kingdom is no crime ; property is not transferred by it. That changes have been made in Bengal is admitted ; but that the natives have been harrassed and afflicted by them, remains to be proved.—I positively deny the assertion.

When I arrived in Bengal, the Revenues were under the management of Collectors or Supervisors, who were subordinate to two Councils, one at Moorshedabad and one at Patna ; and these Councils were under the superior administration of Fort William. With the concurrence of my Council, I appointed a Committee of Circuit to form the settlement of the revenues, consisting of three Members of the Government, and myself. The propriety of the measure requires no proof. It was merely a temporary commission, and terminated in a few months, when the object of it was accomplished. I presided at the Committee for a short time only, and left it at Moorshedabad. The Collectors remained in their respective districts, as before the institution of this Committee, until November 1773, when they were recalled, and Provincial Councils established, professedly, at the time of their institution, as merely temporary, and as preparatory only to that system which I adopted in 1781. This is proved by the Board's Minute in November, 1773.

I am free to acknowledge, that after the establishment of the Supreme Council, of which I had no idea in November, 1773, I did deliver it as my opinion upon record, and in an address to the Court of Directors, that the system of the Provincial Councils was the best that could have been adopted. Is it to be imputed to me as a crime, that at a subsequent period, upon the factious disputes that divided each Council, and the declining state of the revenues, I altered that opinion, and reverted to the system, or nearly to the system, I recommended in 1773 ?

I will not take up the time of this Honourable House, by repeating my Minutes recorded in the year 1775, on the subject of my Banyan's farms ; it is now become obsolete ; I affirm that I had no interest whatever in the transactions, and I really believe he lost very considerably by his farms, which, in common with others, were let at too high a rent.

The second Charge is, for having substituted my own instruments to be the managers and collectors of the public revenue ; that in so doing I acted illegally, having no power to delegate the trust and duty committed to me and the Council for ordering and managing the revenues.

Surely this is a mere abuse of words, and a perversion of the true meaning and intent of the Act referred to. Every Member of this Honourable House knows the impracticability of superintending the Revenues of Bengal, without delegatory authority to inferior Agents for that purpose. Had not the Provincial Councils, who existed long after the said Act, the power of making the settlements and collecting the Revenues ? And did not they order, manage, and govern the Revenues under them, by virtue of the power delegated to them ? Was not this known to my accuser himself, and did he ever object to it ?

The powers delegated to the Committee of Revenue were certainly greater than had ever before been entrusted to any subordinate department of the state, and they were necessary, because their controul was more extensive ; but let it be added, that they were placed beyond temptation, by the liberality of the commission allowed them ; and restricted from improper pecuniary advantages, by an oath which each Member was bound to take. And who has ventured to accuse them of any infringement of it ?

The Members of the Committee were not my instruments ; their characters place them beyond the suspicion of an improper bias towards me, were it supposed possible for me to have been actuated by an interested or an unworthy motive in forming the system of 1781.

Mr. Anderson, the President, and Mr. Shore, the acting President of the Committee in Mr. Anderson's absence, have received the most flattering marks of the approbation of the Court of Directors and the Board of Controul. I had no knowledge of either of these gentlemen, until their official merits recommended them to my notice. Mr. Shore, of whose merits I cannot say too much, lived for years in habits of intimacy and daily intercourse with Mr. Francis. The other Members, Mr. Charteris and Mr. Evelyn, were men of ability and of irreproachable characters, but totally unconnected with me.

The Committee were not empowered to act independant of the Supreme Council. They transacted the current business without a reference, but extraordinary matters they were obliged to report. Their proceedings were regularly laid before the Council monthly ; no concealment was intended or practised. By fixing the station of Committee of the Revenue to Calcutta, immediately under the observation of the Board, the Zemindars, Farmers, or their Deputies,



puties, who had business with the Committee in Calcutta, could make their references or complaints to any member of the Council.

The inability of the Provincial Councils, from the decline of the Revenues, was a sufficient reason for abolishing them. The Supreme Council were not adequate to the detail of the Revenues; and I affirm, after the most mature deliberation, that the establishment of the Committee of Revenue was indispensibly necessary.

It is in proof before this Honourable House, that the revenues have considerably increased under the management of the Committee of Revenue. The plan was formed in 1781. My constituents never did express the smallest disapprobation of it, though in the following two years many of my acts, unfortunately, drew from them letters of disapprobation; and I have had the happiness of hearing, that before this Honourable House and the House of Lords, the learned Counsel employed by my constituents to defend their rights were instructed to do justice to my zeal, effectually displayed in the improvement of the revenues, when the existence of the British empire in India depended upon our resources in Bengal.

I refer this Honourable House to authentic documents upon their table, transmitted from Bengal since my resignation of the service; these will prove how considerably the revenues have increased since the institution of the Committee of the Revenue.

## ANSWER TO THE SIXTEENTH CHARGE.

### MISDEMEANORS IN OWDE.

**I** SHALL make few observations upon this charge, although it contains no less than ninety-five articles. This Honourable House is already in possession of volumes that have been written upon the subject of Owde; to those I shall refer, not only for my complete justification from every article of this charge, but for more than my justification. I am confident that I shall receive the approbation of this Honourable House, and of my country, for my conduct towards the Nabob Vizier, who has faithfully and honourably performed every stipulation of our agreement. I have already had the honour to receive the approbation of the Court of Directors, and the Board of Controul, for all my proceedings in Owde.—The Company's debt, which was once so considerable, and universally pronounced irrecoverable, amounting, when I left Calcutta in February, 1784, to proceed to Lucknow, to above twelve hundred thousand pounds, is now completely liquidated. The country, which was in a state of universal confusion and distress, now wears the face of plenty and happiness.—It is incumbent upon me, however, to prove to this Honourable House, that I was not the author of those measures, which I am as free as any man to acknowledge did bring great distress upon the dominions of the Nabob Vizier; and it is further incumbent upon me to prove, that I took the earliest opportunity of applying an effectual remedy to those evils.

The treaty which I concluded with the late Vizier Sujah ul Dowlah in September, 1773, did not contain a single article which incroached upon his rights as a sovereign and independant Prince, nor was the smallest attempt made by me to deviate from the terms of that treaty. The Resident, Mr. Middleton, whom I appointed to his Court, with the permission of my Council, never interfered in the management of his dominions; he was merely the channel of political communication from me to the Vizier; and the strongest remonstrances which I ever instructed him to make to his Excellency, were those which I read to this Honourable House upon the subject of his treatment of the wife and children of Hafiz Rhamut and his Rohilla prisoners. Sujah ul Dowlah died in February, 1775, when I had not the smallest degree of power or authority in the government of Bengal;—but my opinion is upon record, that the treaty which I concluded in 1773 with Sujah ul Dowlah, ought to have continued in force with his son and successor, the present Vizier: The majority, General Clavering, Colonel Monson, and Mr. Francis, were of a different opinion;—they determined that the treaty was no longer binding upon us, and they framed a new one, the merit of which, as they informed the Court of Directors, with great truth, was solely and exclusively their own. By this treaty the sovereignty of Benares and Gazipore were transferred to the East India Company, and the subsidy for the pay of our brigade was raised from two lacks and ten, to two lacks and sixty thousand rupees a month.



month. The Court of Directors were of opinion, with me, that the treaty concluded with Sujah ul Dowlah in 1773, ought to have remained in force on his son's succession, but they warmly approved of the conduct of the majority, in procuring such advantageous stipulations for the Company, in the treaty concluded with the present Nabob Vizier. I uniformly asserted, that these concessions would be a source of infinite distress to the Nabob, and that they were obtained by a breach of faith. I beg leave to quote the following passage from the 5th report of the Secret Committee of this Honourable House: "It is however to be observed, that the Governor General, in his remarks upon these beneficial representations, persisted in his prophetic apprehensions, that the conditions of the treaty could never be fulfilled, neither did he think it honourable to have forced from the Nabob concessions inconsistent with their former treaties, to which the necessity of his situation alone compelled him, however unwillingly, to submit."

The country of Owde was, I believe, upon the death of Sujah ul Dowlah, in a flourishing condition as to culture, commerce, and population—The same observation would apply to his newly-acquired dominions in Rohilcund, the Douab, Corah, Curah, and Allahabad—His troops, at the time of his decease, were in general twelve months in arrears, and a considerable balance was due to the East India Company.—The treasures of which Sujah ul Dowlah died possessed, and which, in the opinion of Colonel Monson and Mr. Francis, ought to have been applied to the discharge of the debts of the state, were in the possession of the Bhow Begum, the widow of Sujah ul Dowlah.—The young Nabob was surrounded with difficulties: the troops mutinous for want of pay; his relations, and the Ministers of his father, disaffected to him—His life was repeatedly attempted; more than once it was preserved by his own resolution and presence of mind, and the country kept in subjection by the presence of a British army.—The treaty was concluded by Mr. Bristow in May, 1775, without difficulty—The alternative was this, that we should abandon his country and his concerns altogether, unless he came immediately into our terms—The distresses of the Nabob continued, and the country declined in culture, population, and commerce, from the period of our avowed interference in his administration.

In the month of December, 1775, the Nabob applied to us, through Mr. Bristow, to assist him with a number of British officers to command his troops—His request was complied with, and this brought additional distress upon his affairs: many of the corps thus commanded, seized and confined their officers; and many months elapsed before order and tranquility were in any degree restored, by the dismissal of large bodies of troops, whose mutinous behaviour repeatedly endangered the life of their sovereign. Murteza Cawn, the Nabob's minister, was murdered by Cojee Bussaun, an eunuch, and one of Sujah ul Dowlah's best and most favoured officers—This Eunuch was himself cut to pieces, in attempting to force through the guards which surrounded the Nabob's person, with a determination to assassinate his sovereign with his own hand.—Mr. Bristow's correspondence with the Supreme Council, in the years 1775 and 1776, will sufficiently shew the confused and disordered state of the Province of Owde during those periods, and the distresses to which the Nabob Vizier himself was personally subject; but I repeat, that I am not responsible in the slightest degree for the establishment of that system which caused those distresses; I disapproved it; I foretold the consequences of it.—Colonel Monson died on the 28th of September, 1776: From that period only am I accountable for any act of the government of Bengal, under the administration established by the Regulating Act of 1773.

Mr. Bristow was recalled, and Mr. Middleton succeeded him as Resident in Owde, early in the year 1777. A very heavy debt was then due from his Excellency to the Company; for its liquidation, for the pay of the regular brigade stationed at Futttyghur, of the Nabob's troops commanded by British officers, and of the various establishments which had been formed in Owde, tuncaws, or assignments, were granted upon several districts in the Vizier's dominions. My first measure relative to Owde, was, to propose that the troops of the Nabob Vizier, which were commanded by British officers, should be put upon a similar establishment with our own troops, or that they should be withdrawn altogether. This was no encroachment upon the rights of the Nabob. The appointment of British officers to command his troops was a most pernicious measure to our service in general. The advantages were avowedly greatly superior to any that were enjoyed by officers of the same rank in the Company's service, and of course such an establishment created very great disgust amongst those officers who served in our own army. The Nabob consented to a reduction of this establishment, and the temporary brigade, as it was called, was formed upon the same plan with our army, the regiments to take their tour of duty in our own Provinces, and to be relieved equally with all the regiments in our service. The cavalry were to be upon the same footing. The Nabob applied to me, and desired my consent to the formation of a corps to be commanded by Lieutenant Colonel Hannay, for the service of the collections; and another by Major Osborne, for the defence



of his frontiers, which had hitherto been in a state of actual revolt. In recommending some of these establishments, and consenting to others, I encroached upon no rights which the late majority had left to the Nabob, but I affirm that these establishments appeared necessary to his Excellency, and I exerted no improper influence in order to persuade him to adopt them. They were formed the latter end of the year 1777, and carried into effect early in the year 1778.

In the month of May, 1778, it was deemed necessary to form a detachment for the assistance and support of the Company's interests on the West of India, and in the month of July, 1778, we received the first intelligence of the war with France. Accounts had much earlier been received by me, from the most respectable authority, of the designs formed by the French against our possessions in India. In the following year, 1779, we received very heavy complaints from the Nabob Vizier of the ruinous state of his country, and of the distress which the establishment of British troops in Owde had brought upon him. I am convinced that these representations were founded in truth; but was it in my power to yield him effectual relief at that time? was I to suspend the Company's claims for the arrear due from him? or could the Company, then engaged in a war with France and the Mahrattas, agree at a moment's notice to disband nine regiments of disciplined Sepoys, and three regiments of cavalry; or could the Company's finances have borne the burthen of this establishment? or had the Nabob Vizier at that precise moment any force of his own to repel an invasion of the Mahrattas, if they had entered his country? The Nabob stated in his letter to me, that the same evils which he then experienced, he had struggled with for three years past; that is, from the first adoption of a system in which I had no concern. In consequence of my representations to the Nabob, he granted assignments for the year 1779, in the same manner as he had done each year since the death of the late Vizier. In the year 1780, the Nabob Vizier again represented to the Council the distressed state of his country, and urged his request that the temporary brigade might be recalled. I desire this Honourable House to reflect for one moment upon our situation at that period. The Nabob was made, but not by me, in a great degree the vassal of the Company; his own army was not adequate to the defence of his dominions without our assistance; and the British empire in India, in the year 1780, was in so precarious a state that I should have been a traitor to my country, if I had consented to the disbanding of any part of the troops necessary to our mutual interests; for the Nabob Vizier was embarked in a common cause with us.

In the following year, 1781, I met the Nabob Vizier at Chunar.—His debt to the Company was at that time very considerable, and I was fully convinced of his inability to liquidate the arrear due, and to discharge the current demands upon him.—I agreed, therefore, to recall the temporary brigade altogether, and leave him with no other British troops in his dominions, except the regular brigade stationed at Cawnpore, a regiment of Sepoys at Lucknow, and such other corps as he himself should expressly require from us.—I desire to remark to this Honourable House, that at the period this agreement was concluded, every apprehension of an invasion of Owde by the Mahrattas was at an end.—We had obtained many signal advantages in the war with that state, and I did not entertain a doubt of the conclusion of the separate treaty with Madajee Scindia, which was signed a few days after my agreement with the Vizier. When I refused, on the 15th December, 1779, to withdraw these troops from the Nabob's dominions, our situation was entirely different; and I am morally certain, that the Commander in Chief would most strenuously have opposed such a proposition, since it was his object to secure, by every means in his power, the Province of Owde against an attack, and to act offensively from that quarter, as the means of bringing about a peace with the Mahrattas.

I never departed, I confidently affirm, in the slightest instance from the letter or the spirit of the treaty which I concluded with the Nabob at Chunar.

The cavalry, the temporary brigade, and Colonel Hannay's troops, were recalled. I never proposed their re-establishment, nor would I have agreed to such a measure, but at the Nabob's earnest request. Mr. Middleton and Mr. Johnson, in December, 1781, made strong representations to me of the disordered state of the Nabob's Government, from its participation in the consequences of the Benares insurrection, and the violent opposition supported by the influence and resources of the Begums. In consequence of their representations, I proposed that a detachment of four regiments, with a suitable train of artillery, under the command of Sir John Cumming, should be stationed at Lucknow during the unsettled state of the Government; but upon a representation from the Resident, that such a measure would not meet the Nabob's concurrence, who was entitled to demand succour, upon an emergency, from the regular brigade at Cawnpore, I countermanded the march of this detachment; and I deny that I ever entertained an idea of sending a single Sepoy into the Nabob's dominions without his consent. My accuser very strangely confounds my orders for the march of a detachment of the 24th December, 1781, which never entered the Nabob's dominions, with a resolution of



Government taken in the latter end of the year 1782, in consequence of a request from the Nabob himself, transmitted to us through Mr. Bristow, that we would station a detachment of five regiments of Sepoys at Futtyghur; and we did so. This is the detachment at present stationed there, whose services I thought the Nabob did not want; and this Honourable House is in possession of the orders of the Court of Directors which confirm every part of my agreement with his Excellency. I therefore again most solemnly affirm, that I have never deviated in the smallest degree from my engagements with his Excellency. I appeal to all his letters, and to the sentiments of every man now in England, who has served in Owde, to justify me against so unmerited a calumny as this charge would fix upon me.

I am accused of causing the Treasury accounts of Calcutta to be scrutinized, in order to discover one demand of £.260,000, and a second of £.140,000, by which the Nabob and his Minister were so terrified and confounded, that the former desired the Resident might at once take his country, since justice was out of the question.

How shall I reply to such a charge, preserving at the same time the respect which is due to this Honourable House? If, upon adjusting the annual accounts in Calcutta, our Accountant General discovered a balance of £.400,000 in favour of the Company—was it not my duty to state the claim? The justice of it the Nabob did not dispute: He allowed the claim, but stated one which he had against the Company; this the Resident could not allow without authority, and upon this demur, his Excellency made use of the language quoted by my accuser as a charge against me. Let me here repeat, that these claims, and all others, are fully liquidated, and that in the month of September last the Nabob did not owe the Company a shilling.

I neither meant to add to the confusion, perplexity, or distress of the Nabob, by sending my Secretary, Major Palmer, to his Excellency: The deputation has been attended with the most fortunate consequences, both to the Nabob and the East-India Company. I appeal to my instructions to Major Palmer to justify me against the insinuations contained in this part of the charge. It was my duty to relieve the distresses of the Company by every possible means, and we were struggling for our existence in India, in the month of July, 1782, when I deputed Major Palmer to Lucknow. Was it criminal in me then, to desire the Nabob would pay ten lacks of rupees, which he had intended as a present to myself, to the Company, to whose use I should faithfully have applied it, as I did the former sum, had I received it? and was it criminal in me to desire Major Palmer to raise, if possible, the sum of 50 or 60 lacks of rupees, for the relief of our exhausted Treasury, upon a loan for which the Company's bonds were to be given. These are charges I did not expect, and was ill prepared to reply to.

I positively deny, that I instructed Major Palmer to insist upon a single point contrary to the Nabob's inclination. It is extremely difficult for me to answer a charge of this kind, except by a most solemn denial of the truth of it. I never expressed a wish to fix a single regiment in Owde beyond the regular brigade and the Resident's guard at Lucknow, nor had the Nabob a Sepoy in Owde in the year 1782, beyond the number prescribed by treaty, but either three or four regiments from the regular brigade were at that time detached in different parts of his dominions. This was not conformable to the spirit of the treaty, and it was in opposition to an opinion I had always professed and acted up to, that our force, to be respectable, ought not to be frittered away in detachments, or in danger of being destroyed in detail. The brigade was stationed for the defence of the Nabob's frontiers, and his Excellency himself proposed that a separate establishment, consisting of four regiments of our troops, under certain prescribed regulations, should be kept up for the service of the collections. This proposal was submitted to me for approval in the month of March, 1782, and thus the consideration of it became an article in Major Palmer's instructions two months after. If the regiments were to be established, it was my duty to secure funds for the payment of them; but it was entirely optional in the Nabob to fix, or to reject the establishment altogether;—and he did reject it.

Lieutenant Colonel Hannay's corps was established with the Nabob's consent, and even at his own express desire, for the defence of Gurruckpore and Baratch, the most disaffected and disorderly districts in the Nabob's dominions. Until the period of Colonel Hannay's appointment the revenues of these districts were nearly expended in the maintenance of the troops which defended them; and it has been proved that much larger remittances were made from those districts to the Nabob's treasury, while Colonel Hannay commanded in Gurruckpore, than at any other period before his appointment, or since his removal.

The state of the administration of justice in Owde was so very defective in 1782 (though precisely the same as it had been since our first connection with that country) that I urgently pressed the Nabob to establish Dewanny Courts upon a similar plan with our own Courts in Bengal; but, anxious as I was upon this point, I never presumed to declare the Company the Sovereigns of Owde, which I must have done had I imposed those regulations which I conceived to be necessary,



necessary, against the consent of the Nabob; and it was a point of great delicacy to be established gradually, even with the Nabob's full consent. The administration of justice is undoubtedly the foundation and essence of government, and the security of the revenue; but, to have taken it into my own hands, would, in fact, have been to declare myself the Sovereign of Owde. My accuser may, with equal propriety, charge me with a high crime and misdemeanor, for not preventing the commission of murder or robbery in England at the present moment, as he has done, for my inability to put a stop to similar enormities in Owde in the year, 1783. Admitting the fact to be true, as stated in a letter from Mr. Bristow of the 29th of January, 1784, written and dispatched after his removal from office, that a woman was murdered in the city of Lucknow, the aunt of Nabob Behadre, one of the Nabob's brothers; how am I responsible for this atrocious act? I do not know that I ever saw or heard of the Nabob Behadre. He has been described to me, since I read this charge, by many Gentlemen who knew him, as a depraved, profligate, and abandoned character, perpetually involved in quarrels, and his life hourly in danger from his own irregularities: A man hardly recognized as a relation by the late Sujah ul Dowlah, the present Nabob, or by any of his family. But were he of a different character, am I accountable for the attempt which a ruffian made upon his life, or for the death of his aunt? The circumstance of this transaction I am to this day totally unacquainted with. In the length of time that I passed at Lucknow, and in daily conversation with the Nabob, his Ministers, and others, I must have heard of it, had it been true. —I never did.

With respect to the relations of the Nabob, I do assure this Honourable House, that I was in habits of continual intercourse with them; that they expressed their sincere satisfaction at the measures which I adopted; and the most powerful amongst the Nabob's family, his uncle, Salar Jung, and the Begums, declared upon all occasions, while I resided at Lucknow, and since my departure from it, their most complete satisfaction and approbation of all my proceedings.

I am accused of inconsistency in my conduct towards Almas Ally Cawn; a very few words will exculpate me from this charge. In the year 1782, Almas Ally Cawn was represented to me as in a state of actual rebellion: I believed the representation, and I instructed Mr. Bristow, if it were true, *and his crimes proved*, to urge the Nabob to punish him with death; but even here, I said, that whatever engagement had been made with him, must, however exceptionable, be faithfully observed. Subsequent information induced me to believe that I was mistaken; and as an incontrovertible proof it, Almas Ally Cawn, upon the faith of my assurances, in the month of February, 1784, came to Lucknow unattended, where he resided as a private man, while I remained in India. By my solicitations he advanced the sum of £. 50,000 to the Nabob, which was employed for the Company's service, and by this assistance afforded to his Sovereign and the East India Company, he refuted the charges of perfidy and disloyalty, which had often been too successfully urged against him; but I declare at the same time, that I thought Almas Ally Cawn's power was too considerable, and contrary to good policy; yet as it had been given to him by the Nabob, I found it impossible to change the system, and therefore advised its continuance. Let the confidence which Almas Ally Cawn placed in me, by coming unattended to Lucknow upon the faith of a letter from myself only, be a proof, as it ought to be, that my character does not deserve those insinuations which have been thrown out against it.

In several articles of this charge, it is insinuated that I provided for my creatures and dependants, by assuming the management of the Nabob's revenue; no proof has been brought of the assertion, and I affirm it to be wholly groundless: What description of gentlemen have I employed or patronized in India, who deserve to be mentioned in such opprobrious terms? Those who composed my family were men of ability and integrity, men distinguished in the civil and military branches of the Company's service: Major Palmer, my Secretary, has been nearly twenty years in the army; Major Davy, whom I also employed as my Persian translator, enjoyed the same office under Sir Robert Barker. These Gentlemen were of my own nomination, and they served the Company faithfully and successfully on various occasions. Mr. Wombwell was expressly appointed by the Court of Directors to an office of great emolument in Owde; and the reversion of this office was on the 1st of March, 1783, bestowed by the same authority upon Mr. John Taylor, the nephew of a Gentleman then Chairman of the Court of Directors, and a Member of this Honourable House, Sir Henry Fletcher. But what relations, or what intimate connections of my own, have I provided for; either from the revenues of Owde, or by bestowing offices upon them in Bengal? I never had more than two relations in Bengal; one of them was killed at the storm of the fortress of Lahor, and at the time of his death was many thousand rupees in debt. The other is at this moment a Lieutenant in Bengal, totally unprovided for; and the only request which I ever made in his favour (though an ineffectual one) was that the Court of Directors would be pleased to appoint him a writer in the service.



My accuser asserts, that I authorized large allowances to be received from the Nabob Vizier, and thereby violated my own solemn agreement with him.—I do deny that I authorized Major Palmer to draw any salary or allowance whatsoever; but I supposed that his expences, while he remained at Lucknow by the express and urgent request of the Nabob Vizier, would be defrayed by his Excellency.—My resolution was taken to return to England.—The other allowances were merely temporary, not fixed by me, but by the Nabob Vizier himself, and to be totally reduced at any time, either by himself or by an order of the Board; or to be modified and settled in the manner which they have been since my resignation of the service.

Having affirmed that I provided for no creatures or dependents from the revenues of Owde, I can with equal truth declare, which I now do most solemnly to this Honourable House, that I did not add to my own fortune by my journey to Lucknow, or by my connection with the Nabob.—On this subject, however, I forbear to enlarge.—I claim no merit with this Honourable House for having merely done my duty.

It is also a charge against me, that I neglected an application from a brother of the Nabob Mirza Jungly, who wished to fix himself in our Provinces—I discouraged his design, and with reason. The Nabob Saadut Ally has resided under our protection since the year 1777, and though his residence with us is ostensibly sanctioned by the Nabob, it has ever been a source of jealousy and uneasiness to him, and it has afforded an opportunity to disaffected and insidious men, to impress his mind with false notions of his brother's designs.—If I had afforded an asylum for Mirza Jungly in our own provinces, with a suitable provision for his support, or an acquiescence in his return on his own terms to Lucknow, there were at least a dozen other brothers who would have followed his example, and would of course have expected our mediation in their behalf; and on what obligation should I have done it? or on what principle could I have been justified in these petty interferences in the competition of individuals of the Nabob's family?

The remainder of this charge is more a defence of Mr. Bristow than an attack upon me.—I shall not trouble this Honourable House with a detail upon this subject.—For the present, I shall merely observe, that in the month of September, 1782, Mr. Bristow was appointed Resident at Owde.—That a very few months after his appointment, very great heats and animosities broke out between Mr. Bristow on the one part, and the Nabob and his Minister on the other.—I had no enmity to Mr. Bristow, nor had I any personal motives to gratify by his removal.—These disputes were referred to the Council in Calcutta—I took the part of the Nabob and his Minister; my Council justified Mr. Bristow.—But a Government so disordered could not possibly exist.—It became necessary, in the month of December, 1783, either to remove Mr. Bristow, or to authorize him to assume an absolute authority in Owde; and this I stated to the Council, who were alarmed at the prospect before them; and though they were all the strenuous defenders of Mr. Bristow, agreed to his removal, and to delegate to me the power of settling every disputed point with the Vizier, provided I would be responsible for his payment of the balance due to the Company, not with my fortune, as my accuser truly says, but with my character, which I prize infinitely higher.—I accepted the trust, and it detained me one entire season in India.—I proceeded to Lucknow; I met the Nabob upon the most friendly terms; I declare to this Honourable House, that I treated him with the respect and the attention which was due to his high rank—that I never presumed to speak to him in an authoritative tone; and that, by argument and persuasion, I carried all my points both with the Nabob and his Minister.—I never interchanged an unpleasant word with him, during the five months which I remained at his Court, and near four of that period lived, with thirty English gentlemen, and numerous guards and domestics, within the same inclosure; nor in that period did the slightest dispute ever arise between his people and mine.

## ANSWER TO THE NINETEENTH, EIGHTEENTH, AND SEVENTEENTH CHARGES.

### *LIBEL ON THE COURT OF DIRECTORS—MOGUL DELIVERED UP TO THE MAHRATTAS—AND MAHOMED REZA CAWN.*

**I**F the three charges which were delivered to me on Friday, and I believe to the Members of this Honourable House on the same day, contained much impeachable matter, I should request a delay of a few days to prepare my reply to them; but I have no objection to leave them, accompanied



accompanied by a very short explanation, to make their own impression upon this Honourable House. In truth, I have read them over myself very cursorily.

In the 19th charge, I am accused of publishing “a libel on the Court of Directors.” How can I reply to such a charge? The Court of Directors have commenced no prosecution against me for a libel; on the contrary, two years after the publication of my letter, which now for the first time is called a libel, I have had the honour and the happiness to receive their unanimous thanks for my long, faithful, and able services. The Court of Directors censured me for addressing them with such unguarded warmth, in their letter of the 28th January, 1784; but I had the pleasure to find that censure accompanied by the following words:—“After the resistance which the Rajah had made, no countenance could be consistently shewn him. However, we turn aside from this disagreeable subject, to express great approbation at the extraordinary exertions of our Governor-General and Council, to counteract the designs of our numerous enemies.” And with this quotation I shall close my observations on the 19th charge.

I know not, I protest, what my accuser means by the charge which he styles “The Mogul delivered up to the Mahrattas.” I must decline any answer to this charge, until I receive some further lights upon the subject. I avow, that I would have afforded effectual assistance to the Mogul, that is to the King Shah Allum, if powers had been granted to me; but my Council differed in opinion with me, and nothing was done. Major Browne’s letter to the Court of Directors, of the 6th of October, 1785, fully proves that no engagements of any kind were concluded. I declare, that I entered into no negotiations with Madajee Scindia for delivering the Mogul into the hands of the Mahrattas; but I must have been a madman indeed, if I had involved the Company in a war with the Mahrattas, because the Mogul, as his last resource, had thrown himself under the protection of Madajee Scindia. I do assure this Honourable House, that when the Council agreed to invest me with full powers, to assist the Nabob Vizier in restoring order and tranquillity throughout his dominions, I drew up my own instructions, which, on their approval, became an act of Government. I mention this circumstance, as a full refutation of my accuser’s remark, “that the Council, being well aware of his (the said Hastings’s) disposition to engage in unwarrantable designs against the neighbouring States, did expressly confine his powers, &c. &c.”

The only remaining charge which has been delivered to me, respects my treatment of Mahomed Reza Cawn, and the Nabob of Bengal. To this I shall reply somewhat more at length, pressed as I am in point of time.

It was my lot to be entrusted by the Secret Committee of the Court of Directors with the execution of orders, which were to be returned to them unseen, in the event of my death. These orders I received the day after my accession to the Government of Bengal. I shall insert a copy of them, and the subsequent letters which passed between me and the Court of Directors on the subject of them.

From the Secret Committee of the Court of Directors to Mr. Hastings, dated the 28th August, 1771.

“By our General Address you will be informed of the reasons we have to be dissatisfied with the Administration of Mahomed Reza Cawn, and will perceive the expediency of our divesting him of the rank and influence he holds, as Naib Dewan of Bengal. But though we have declared our resolution in this respect to our President and Council, yet, as the measures to be taken in consequence thereof might be defeated by the Minister, and all enquiry into his conduct rendered ineffectual, were he to have any previous intimation of our designs, we, the Secret Committee, having the most perfect confidence in your judgment, prudence, and integrity, have thought proper to entrust to your especial care the execution of those measures which alone can render the Naib’s conduct subject to the effect of a full enquiry, and secure that retribution which may be due on the detection of any fraud, embezzlement, or collusive practice, in his public or private transactions.

“In order, therefore, to make him amenable to a due course of justice, and to prevent the ill consequences which may result from the resentment and revenge which he may conceive in the knowledge of our intentions, we hereby direct and enjoin you (*immediately on the receipt of this letter*) to issue your private orders, for securing the person of Mahomed Reza Cawn, together with his whole family, and his known partizans and adherents, and for bringing them down to Calcutta; and it is our pleasure that they by no means be suffered to quit the place, until Mahomed Reza Cawn shall have exculpated himself from the crimes of which he now stands charged or suspected. In this research, your own judgment will direct you to all such means of



information as may be likely to bring to light the most secret of his transactions. We, however, cannot forbear recommending to you, to avail yourself of the intelligence which Nuncomar may be able to give, respecting the Naib's Administration; and which the envy which Nuncomar is supposed to bear this Minister, may prompt him to a ready communication of all proceedings which have come to his knowledge, we are persuaded that no scrutable part of the Nabob's conduct can have escaped the watchful eye of his jealous and penetrating rival. We have the satisfaction to reflect, that you are too well apprized of the subtlety and disposition of Nuncomar, to yield him any trust or authority which may be turned to his own advantage, and prove detrimental to the Company's interest.

" Though we have thought it necessary to intimate to you how little we are disposed to delegate any power or influence to Nuncomar, yet should his information and assistance be serviceable to you, in your investigating the conduct of Mahomed Reza Cawn, you will yield him such encouragement and reward as his trouble, and the extent of his services, may deserve."

Extract of my letter to the Court of Directors, dated 1st September, 1772.

" The immediate departure of the Colebrooke, which failed the day after my letter of the 24th of April had reached her, prevented my giving you further intelligence of the issue of the measures which I had taken for the arrest of Mahomed Reza Cawn. *As your commands were peremptory, and addressed to myself alone*, I carefully concealed them from every other person, except Mr. Middleton, whose assistance was necessary for their execution, until I was informed by him that Mahomed Reza Cawn was actually in arrest, and on his way to Calcutta. I had no connection with Nuncomar, or his family, prior to the receipt of your commands by the Lapwing: On the contrary, from the year 1759 to the time when I left Bengal, in 1764, I was engaged in a continual opposition to the interests and designs of that man, because I judged him to be adverse to the interests of my employers; and, in the course of this contention, I received sufficient indications of his ill-will, to have made me his irreconcilable enemy, if I could suffer my passions to supercede the duty which I owe to the Company. To the service of the Company, and to your commands, I have sacrificed my feelings, and I have combated those of others joined with me in the administration of your affairs.

" The same principles guided me, though not uninfluenced by other arguments of great force, in the choice of Munny Begum, the widow of the Nabob Meer Jaffier, and of Rajah Goordas, the son of Maha Rajah Nuncomar, the former for the Chief Administration, the latter for the Dewanee of the Nabob's household; both the declared enemies of Mahomed Reza Cawn. To the latter, indeed, I was principally inclined through your commands; and I hope it will appear, that I have adopted almost the only expedient in which they could be exactly fulfilled. You directed, " That if the assistance of Nuncomar should be serviceable to me in investigating the conduct of Mahomed Reza Cawn, I should yield him such reward as his trouble, and the extent of his services, may deserve." Had I not been guided by the caution which you have been pleased to enjoin me, yet my own knowledge of the character of Nuncomar would have restrained me from yielding him any trust or authority, which could prove detrimental to the Company's interests. You will perceive by the Records, that this appointment has not taken place without opposition. I did not think myself at liberty to divulge your secret commands. I am at this time most firmly persuaded, that no other measure whatever would have been likely to prove so effectual, *either for promoting the enquiry which you have directed, or giving strength and duration to the new system.*"

Extract of the Court of Directors reply to the above.

" The extirpation of Mahomed Reza Cawn's influence was absolutely necessary; and as to any hopes which he may entertain of profiting by changes in the Court of Directors, these hopes must speedily vanish, for however different their sentiments may be in some particulars, *they heartily concur in the propriety and necessity of setting him aside.* Your choice of the Begum for guardian to the Nabob, *we entirely approve.* The use you intend making of Nuncomar is very proper; and it affords us great satisfaction to find, that you could at once *determine to suppress all personal resentment*, when the public welfare seemed to clash with your private sentiments relative to Nuncomar."



Extract of a letter from Mr. Hastings to the Court of Directors, dated Fort William  
24th March, 1774.

“ Although the proceedings of the Board very minutely recorded all the measures which were taken for prosecuting the enquiry into the conduct of Mahomed Reza Cawn, and my own sentiments both in the course and the issue of it, yet as I was originally honoured *with your separate commands* for conducting this intricate business, I conceive it to be in some measure incumbent on me to address you on its conclusion. You will be pleased to recollect that the charge was general, without any specification of time, places, or persons; I had neither witnesses, vouchers, nor materials to begin with; for these I relied chiefly on the abilities, observation, and active malignity of Nuncomar. In the course of the enquiry, I proceeded with the most rigid impartiality; not suffering (I can safely say) the smallest bias to incline me. You will see with what materials I was furnished; I am sorry to say, that some were collected with so little regard to decency or truth, as to make me apprehensive of the effects which they might have produced on my character, from the countenance which I afforded Nuncomar in the prosecution, had I not, in my own immediate conduct, invariably adhered to the strictest rules of justice. Notwithstanding the consciousness which I possess of my own integrity, and the certainty that my conduct throughout this ungrateful business will, on the most rigid scrutiny, do me credit, yet I am not without my fears. I am aware of the violent prejudices that were taken up at one time against Mahomed Reza Cawn by all ranks of people, both here and at home. I am also aware that in England, where the very name of enquiry into the past management of affairs in India flatters the passion of the times, and raises expectations of great and important detections, the result may baulk those expectations, and turn the torrent of popular clamour another way.

“ I must declare that I have another motive for my fears; the dark and deceitful character of Nuncomar, whose gratitude no kindness can bind, nor even his own interest disengage him from those crooked politics which have been the study and practice of his whole life: Of this I have had many extraordinary proofs.

“ My experience of his character has never altered my behaviour to him; but in such instances only, and such have occurred, as required it for the public tranquillity. I have supported the authority of Rajah Goodrafs, even in opposition to the Begum, because it was consistent with your interest.”

Mahomed Reza Cawn was acquitted by me, and appointed, in 1775, to the superintendence of the Nabob's household, during his minority, and to the administration of criminal justice throughout the provinces. From these offices he was removed in 1778, by the Board, where I had a casting voice, the Nabob being then 20 years of age. Of this removal the Court of Directors disapproved, and, against the most strenuous remonstrances of the Nabob and all his family, he was reappointed in 1780, when the Nabob was 23 years of age. On repeated petitions from the Nabob, I again removed Mahomed Reza Cawn, in 1781, from being guardian of the minority of a man who was then 24 years of age, but he was continued Chief Criminal Judge of the Provinces, and that office he still retains. I have settled jaghires on his two sons, which produce them a liberal income. To my justice and impartiality Mahomed Reza Cawn has often declared he owes his life and honour, when the deepest schemes of villainy were laid to deprive him of both. He has received many offices of kindness from me; and I am sure his sentiments for me are those of gratitude and affection.

I hope I may be allowed to make an observation on the conduct of the Court of Directors, as it respected Mahomed Reza Cawn, Nuncomar, and myself. The gratitude which I owe to them, and the respect which I feel for the individual Members of that Court, is as great as can warm the breast of any man; yet I had substantial cause of complaint against them for the return I met with for a rigid and literal obedience to their orders in the instance I have quoted. I employed Nuncomar, and I prosecuted Mahomed Reza Cawn. The Directors were well aware of the faithless character of the first, and assured me, that under no change whatsoever should the latter be restored to power; yet both these men, within two years of the date of their letter, were employed as instruments of vengeance against me. The opinions of Council were taken in England, whether, upon the information of Nuncomar, a prosecution could not be instituted against me for money stated to be corruptly taken; and there was a time when I was threatened with a prosecution by Mahomed Reza Cawn, for a rigid obedience to the orders of my superiors;—and I stand here now to answer to a charge of high crimes and misdemeanors for having obeyed these orders.

I have



I have not sufficient time left to enter minutely into the particulars of my defence against the charge intruded into this article, of insolent and oppressive treatment of the Nabob Mobarek ul Dowlah, and therefore borrow the aid of Sir John D'Oyley, who was the Resident at the Durbar, and is charged with being the instrument of my oppressive acts to the Nabob, to recite, as he would do upon oath, if required, all that he knows relative to these transactions, and his testimony is hereto annexed. It remains for me only to premise, in a few words, that I always regarded the Nabob Mobarek ul Dowlah, as being under my protection, and myself as his guardian; that whenever he committed such irregularities as tended to injure either his interest or reputation in an essential manner, I admonished him to avoid such excesses in future; and by gentle persuasions, for I never used any other, I tried, and generally with success, to wean him from his bad habits, as I became acquainted with them.

I prevailed upon him to remove discreditable people from his society, and I gave him the assistance of Sir John D'Oyley, under my own instructions, to make a new arrangement and distribution of his expences, because they had run out beyond all bounds; and if I had not done this, he would have been involved in debt, his palace would have been surrounded by clamorous creditors, and ultimately the demand would have been defrayed from our treasury. I hope nothing I have said will appear to reflect on the young Nabob, whose disposition is gentle and pliant, and his general behaviour such as merits every instance of kindness that can be shewn him by the East India Company.

*Sir John D'Oyley's Recital.*

“ I was appointed Resident on the resignation of Mr. Byam Martin, in the month of January, 1780, and took charge about the beginning of February of the same year.

“ The substance of the instructions I received was to endeavour, by every means in my power, to conciliate the good opinion and regard of the Nabob and his family, that I might be able to persuade him to adopt effectual measures for the better regulation of his expences, which were understood to have greatly exceeded his income; that I might prevent his forming improper connections, or taking any steps derogatory to his rank; and by every means in my power support his credit and dignity in the eyes of the world; and with respect to the various branches of his family, I was instructed to endeavour to put a stop to the dissensions which had too frequently prevailed amongst them. The Nabob on his part was recommended to pay the same attention to my advice as he would have done to that of the Governor General in person.

“ Some time (I think) in the month of February of the same year, I received a letter from Mr. Hastings, purporting that the critical situation of affairs requiring the union and utmost exertion of every Member of the Government, to give vigour to the acts necessary for its relief, he had agreed to an accommodation with Mr. Francis; but to effect this point, he had been under the necessity of making some painful sacrifices, and particularly that of the restoration of Mahomed Reza Cawn to the office of Naib Soubah, a measure which he knew must be highly disagreeable to the Nabob, and which nothing but the urgent necessity of the case should have led him to acquiesce in; that he relied on me to state all these circumstances in the most forcible manner to the Nabob, and to urge his compliance, assuring him that it should not continue longer than until the next advices were received from the Court of Directors.

“ Never did I experience a more disagreeable task—so reluctant was the Nabob to concur; and such indignation did he express at being again subjected to so disagreeable a situation, that I more than once despaired of success, and apprehended that he would, as he threatened, repair to Calcutta, and appeal personally to the justice of the Council; and nothing, I am persuaded, would have induced him to acquiesce, but my assurances to him, on the part of the Governor General, that it was only a temporary measure, absolutely necessary for the welfare of the state, and should be done away as soon as that necessity was removed. The letter, which contained the Nabob's acquiescence, will prove how much he felt himself injured by it.

“ Mahomed Reza Cawn was accordingly reinstated in all his offices, and the Nabob again reduced to the situation of a mere cypher. He was then 23 years of age.

“ About the month of June, 1781, Mr. Hastings, being then at Moorsheadabad, communicated to me his intention of performing his promise to the Nabob, by restoring him to the management of his own affairs; and at the same time gave me instructions, with the concurrence of the Nabob, to make a minute investigation into the Nabob's accounts, and to concert with him a plan for the reduction of his expences within his income; he also drew up certain articles of instruction for the Nabob's conduct, and the management of his affairs. This change was  
by



by no means agreeable to me, as I was sensible it drew on me a great weight of responsibility, and that the reform which I had engaged to use my endeavours to bring about, would not only be a laborious and arduous undertaking, but subject me to the enmity of all those who must suffer by it. I however undertook it; and the Nabob, at my request, did order his accountants to furnish me with whatever papers I should call for. These were very voluminous, and I found, on investigation, that his disbursements exceeded his stipend about three lacks of rupees per annum. I set about to form a plan of reduction, and requested of the Nabob to do the same; and when both were finished we compared them, and from both, by mutual agreement, fixed all his expences on such a footing as to come within his income; doubtless this occasioned great distress to many, but the Nabob soon found the benefit, in being enabled to live much better than he had ever done before.

“ During the administration of Mahomed Reza Cawn, it had been a constant subject of complaint from him, and of representation to the Nabob from me, that many of those of whom he made companions were persons neither entitled, by their rank in life, or by the goodness of their characters, to such a distinction; and indeed they frequently led him into very improper and disgraceful acts: also, that many Europeans made it a practice to visit the Nabob, in hopes of receiving presents from him; and to my knowledge, several European servants had intruded themselves into the Nabob's company as gentlemen, and through his ignorance had been treated as such by him. These circumstances I represented to the Governor General, who made it a point with the Nabob to avoid it in future, by informing himself from me of the different characters who were desirous of visiting him; to this he cheerfully agreed, and I never once objected to any person, in the character of a gentleman, visiting the Nabob. He was pleased also to remove from about his person the other parties complained of.

“ The Nabob did actually disavow and declare, with a most solemn oath, that he never authorized any person whatever to make an offer to give up any part of his stipend; and never did I see expression of astonishment painted in the countenance of any person more strongly than in that of the Nabob, when he first heard it; his remark was, “ How is it possible to suppose such an idea could ever be entertained, when I am already so much straitened by the inadequacy of my income to my disbursements, and have been continually applying for relief from my difficulties.” He was so enraged at the circumstance, as to banish the person from his presence.

“ The reduced plan of the Nabob's expences could never appear to disgrace him in the eyes of the people, as the Resident never appeared in it—no part of it was fixed but with his concurrence, and made public in his name; in fact it was a plan of his own.

“ I cannot pretend to say what might have been formerly the practice respecting the issuing the Nabob's stipend; that which subsisted on my taking charge was this:—The Resident made application by writing to the Provincial Council of Revenue at Moorshedabad, to the Collector of Rajeshahy, or whoever was appointed to furnish the supplies, for a specific sum, from one to five lacks of rupees; when received, it was paid to the Naib Soubah, whilst that office existed, or to the Dewan, who gave receipts, under his own and the Nabob's seal and signature, which receipts were kept as vouchers, and to be sent down to the Presidency whenever the Accountant General called for them. I never received any orders to send to the Council an annual account of the particulars of the Nabob's distribution of his stipend, nor should I have thought myself authorized to have demanded such an account from the Nabob. I received the supplies in gross sums, and immediately paid the same in gross sums. The Resident sends down an account current monthly of the receipts and disbursements of his office, and the receipts from the Nabob, &c. are the vouchers for the having issued it.

“ I could have very little occasion to correspond with the Nabob, when I lived within four miles of his palace, and set apart two days in the week for meeting him on business. Letters of complaint or inquiry I might have written to him, but I believe never on business; besides, not a day ever passed without the attendance of the Dewan.

“ The Company have received a very full and circumstantial account of the situation of the Nabob's affairs, in a letter written in the year 1785, in which his distresses, and the causes of them, are particularly set forth. That his distresses are great, that he is burthened with an enormous debt, and that not only the Mussulmans dependant on his family, but even many of his relations, and others of high rank, are reduced to a state of indigence, is most true, and calls loudly for relief. He made repeated applications to the Council on this subject, and representations were made to the Court of Directors; but as these were not attended with success, he did, with the concurrence of the Governor General, determine to make a direct appeal to the



the Company for relief. His representation is now before them, and I have no doubt they will attend to it.

*“ On the Subject of Mahomed Reza Cawn.*

“ Mahomed Reza Cawn, after his removal from office, repeatedly declared to me his satisfaction at being relieved from a station which was not only exceedingly troublesome, but to the highest degree invidious, both from the inadequacy of the stipend to the necessary expences, and from the numerous claimants on it, both among his own dependants and those of the Nabob's family, and who, if disappointed, took every means in their power to misrepresent his conduct, and to impede his measures; to which the Nabob, from a desire to emancipate himself from a yoke at once so galling and disgraceful, was ever ready to lend his support: the necessary consequence was a constant augmentation of a debt, commenced under his father, and increased under each of his brothers, with which the Nabob was saddled at his accession.

Extracts of a Letter from the Nabob Mobarek ul Dowlah to the Court of Directors, written in the year 1785.

“ When, on the accession of the Nabob Nudjum ul Dowlah, the sum allotted for the expences of the Nizamut, the subsistence of its dependants, and the support of its splendor, was fixed at upwards of 50 lacks of rupees, and that this decrease from what it had been in the time of the Nabob my Father and his Predecessors, occasioned such ruin and distress to multitudes in Bengal, let the Honourable Company judge how infinitely the distress must have been aggravated when the stipend was reduced to the trifling sum of sixteen lacks; and to the former established expences were added those of supporting all the women, relatives, connections, and dependants of my Father and the succeeding Nazims (which in Indostan amount to an incredible number, and inconceivable expence) and they will then be able to form some judgment of the present miserable state of the Nizamut. Those who are acquainted with the manners and customs of different countries, know that most of the Mussulmen of this country are totally detached from trade and manufactures, particularly those who have been in the service of the King or Princes of the Country, who are accustomed to consider their offices as for life; this being the case, it must be evident to what a state of distress all under this predicament, with their families, must be reduced, from having been so many years out of employ, through my inability to retain them in pay.

“ As the Almighty delegates his power to Princes and Magistrates for the purpose of supporting the needy, and for the ease and happiness of mankind, a multitude of people in Bengal derived their subsistence from the bounty of the Nazims, the fame of which brought numerous bodies, in expectation of a livelihood, from the different parts of Indostan, from Persia, &c. nor were they disappointed. There are still thousands of these in the utmost distress, who look forward with hope to the re-establishment of the ease and splendor of Nizamut through the liberality of the Company. In fact, innumerable Mussulmen and others depend on the Nizamut for a subsistence.

“ My Requests are,

“ First, That as I have now attained my twenty-eighth year, and am perfectly competent to the management of my own affairs in the properest manner, my undoubted right to be master in my own family, by the appointment and dismissal of my Minister (Naib) and servants, be acknowledged. It can never be necessary that any interference should take place in matters of this kind; such interference has already been highly detrimental to my affairs; and God is my witness that, but for the kindness and friendly attention of the Governor General, and the measures he has taken for the regulation of my affairs, I should at this time have been involved in tenfold debt and distress. By means of his kindness, and the assiduity of Sir John D'Oyley, my affairs have been put in such a train as to enable me to expect your determination. My obligations to the Governor General are boundless: Were I to write volumes on the subject, I could never sufficiently express my gratitude: The virtues which adorn his character are precious gifts of the Almighty to the people of Indostan, and ensure to them the enjoyment of comfort and ease.—That God may preserve his life and power, and long continue him in the Government of this country, is not my wish alone, but that of the whole people.

“ Although



“ Although the great respect shewn me by the Governor General on every occasion calls  
 “ for my warmest gratitude, and God is my witness that I am so perfectly content therewith,  
 “ that had I a thousand tongues I should fail in the praises justly due to his virtues, yet,  
 “ as such qualities are rarely found, the consideration of the future leads me to request  
 “ you will direct that the forms of respect due to my rank may be invariably observed.”

&c. &c. &c. &c.

## ANSWER TO THE TWENTIETH CHARGE.

### *MAHRATTA WAR, AND PEACE.*

**T**HIS and the following Charge I had no opportunity of perusing until my return last night from this Honourable House; it will not, therefore, be expected that my answer to each should be long; in truth, the subjects do not require a long defence.—I affirm that I was not the author of the Mahratta war; and, if this Honourable House shall adopt the charge, I will bring undoubted proofs of the truth of my assertion.—I affirm, that every step which I took in the year 1778, from January to December, was regularly communicated to his Majesty's Minister, with whom I thought it my duty to communicate on so momentous a subject, enjoying, as I did, my office under a Parliamentary appointment.—I affirm that I had not the most distant idea of involving this nation, or my Employers, the East India Company, in a war with France or the Mahrattas; that every measure I pursued had for its object the defence of the Company's possessions against the combined attacks of the French and the Mahrattas. The grounds which I had to expect these attacks are such as I am sure this Honourable House will perceive to have been so strong as to justify me in every measure I adopted: These I shall produce, if the charge is entertained, unless their production should be deemed dangerous to the national interests.—I affirm, that the Court of Directors, with the approbation of his Majesty's Ministers, approved of my conduct in forming a detachment for the defence of our possessions in the West of India.—I affirm, that when I proposed to change the destination of this detachment, and to form an alliance with the Rajah of Berar, it was not to pursue schemes of conquest, but to defend the British Empire in India from the dangers with which it was threatened by the war with France, of which we had then received intelligence.—I affirm, that I had received from Mr. Elliott a very particular relation of the steps which France meant to pursue at the commencement of the war, and that Mr. Elliott's information came from the most respectable authority in Europe; that it was confirmed to me beyond a doubt, by the reception of a French Minister at the Court of Poona, and intelligence of the most exact coincidence with his from Poona.—I affirm again, that I was not the author of the Mahratta war; that the truth of this assertion has been proved again and again.—But I affirm, that the merit of the Mahratta peace is my own; that it was concluded under greater difficulties than any Minister, at any period of time, in any nation, has had to contend with; that every possible obstruction was thrown in the way of the negotiation for peace, by the advices which every dispatch brought from England: These diminished my authority, and announced my dismissal from the service. Every man in England, who spoke on the subject of our desperate situation in India, declared, as I have been informed, that peace upon any terms was desirable, and that no peace could be a bad one.—I affirm, that under all these disadvantages, the peace concluded by Mr. David Anderson, under my instructions, was honourable and advantageous in the highest degree to this nation and the East India Company; that it has now been ratified above three years; that it has never been infringed in a single article by either party; and that it promises to be lasting. I have received the unanimous thanks of the Directors, and the thanks of the Proprietors, with one dissenting voice only amongst the latter, for effecting this important service to my country and the Company; nor did I believe, 'till I read it in the charge, that a single person, in Europe or in India, could have styled the peace ignominious or dishonourable. My whole correspondence with Mr. Anderson, and his letters to me, are at the India House; to those letters I refer, and rest my defence on the evidence they contain.



## ANSWER TO THE TWENTY-FIRST CHARGE.

## SUPPRESSION OF CORRESPONDENCE.

**T**HIS is a Charge for the Suppression of Correspondence with the Princes and Country Powers of India: I shall reserve my reply till the instances are stated in which I have suppressed Correspondence; denying for the present, as I solemnly do, that I had any improper or dangerous practices of any kind to cover or conceal from my Council, the Court of Directors, or the British nation.

## HOUSE OF COMMONS.

MAY 5.

**M**R. BURKE delivered in at the table of the House of Commons another Charge against Warren Hastings, Esq. which was ordered to be printed.

A motion was made,

“ That there be laid before this House, Copies or Duplicates of any Letter or Proceedings of the Governor General or Council, relating to the appointment of Rajee Nobkissen, to any office or employment in the management or collection of the Revenue of Burdwan, or any office of trust or authority in that district.”

MAY 6.

**MR. BURKE** rose to present another Charge against Mr. Hastings,—that concerning the affair of Rampore. Mr. Burke said, he had in the whole course of the proceeding, submitted himself to the will of the House, nor did he mean to oppose it, should it be the pleasure of the House to object to the bringing up of the charge he held in his hand; but he conceived there could be no objection, unless merely on account of the time at which it was presented. If, however, there should be any objection to his delivering it in at the table, the House well knew, he could bring the matter forward in another shape, as the substantial contents of the charge were to be found in the Reports of the Secret and Select Committees, which any Member might refer to, and cause to be read. He begged the House at any rate not to conceive that the time of delivery had been delayed or retarded by any want of assiduity or attention on his part. It certainly had not; but the fact was, the paper was not of his drawing; he had been favoured with assistance of a masterly kind, and it would be found that the paper was much better done than any other that he had delivered. Mr. Burke added, that Rampore was the only remaining part of the Rohilla territory that had not suffered devastation; and from its rich and fertile aspect, for every acre of it was like a highly cultivated garden, might be judged what sort of a country the Rohilla country had been. Fyzoola Cawn, the Chief of Rampore, who had been left behind with about 5000 of his people, upon an express stipulation by treaty, that he should be allowed to retain his possessions, had been nevertheless most cruelly oppressed and persecuted. Mr. Burke descanted on the unwarrantableness of such conduct, and urged the extreme



extreme necessity that the British Parliament should interpose with its authority, and put an ultimate and decisive stop to it, and with that view it was, he said, that he had prepared the charge he held in his hand.

Major Scott rose in reply to Mr. Burke, and said, that it was perfectly true, Fyzoola Cawn was mentioned, though very slightly, in the Reports of the Secret Committee, that his case was very fully mentioned in General Smith's Committee, and that the Right Honourable Gentleman himself, had said a great deal about him, in a pamphlet which he published above two years ago, under the name of a speech (upon what was called Mr. Fox's India Bill) and that speech or pamphlet, the Major said, he had completely answered—therefore he could not have the smallest objection to the production of the charge, except on the ground which he would take the liberty to mention to the House, and that was, the time of its introduction. The Major said, if the House would give him leave, he would just state in a very few words how he thought the time should be particularly noticed. On the first commencement of the present business, after the papers had been moved for and presented, an Honourable Gentleman (Mr. Francis) moved, that he and his Right Honourable Friend (Mr. Burke) should select such parts of the papers as they thought would tend to prove the charges the Right Honourable Gentleman intended to bring; and that the same liberty should be given to himself, or any other Member, to move for the printing of such papers as appeared to them of consequence. To this arrangement, the Major said, he objected, because he thought that every subject to which the various papers had a reference, should be as complete as possible. For instance, as the misdemeanors in Owde made a charge, it was perfectly rational that all the papers respecting Owde which had been called for, should be printed—but the wisdom of the House determined otherwise, and after the Right Honourable Gentleman (Mr. Burke) had selected his papers, the Major moved for all the remaining papers, making seven volumes, to be printed, because there was no other possible mode of having the business thoroughly understood by the House. He was sensible of the great expence the nation incurred by this proceeding, and very sorry for it, but though many thousand pounds were expended, it was the Right Honourable Gentleman and not he who caused that expence to the nation. One of the Charges, the Major said, was the destruction of that rebel to the Vizier's government, called Bulbudder, but how was he surprized to find last night upon reading the first of the seven volumes, the only one yet printed, the following plain recital of the case of this rebel Bulbudder! How would the House have treated so ridiculous and futile a charge, had they known it before hand, nor could he scarcely believe the Right Honourable Gentleman himself would have made it a charge, had he known what he should now read!

Mr. Bristow, in his letter to the Governor General and Council, of the 1st of December, 1782, incloses Major Lansdowne's letter to himself relative to the rebel Bulbudder, and says, "he means to try the effect of lenient methods with the rebel, agreeably to Major Lansdowne's advice."

On the 30th of January, 1783, Mr. Bristow again writes to the Governor General and Council as follows:

"The plan of reducing Bulbudder to return to his allegiance to the Vizier has been found impracticable.—He demanded a consideration of about 30,000 rupees a year, and remained in the country threatening to create disturbances if his demands were not complied with. A treaty with a rebel acting upon this principle, was deemed subversive of the Vizier's authority, and holding forth impunity to other ill-disposed Zemindars, and a reward of 20,000 rupees was offered for his head. I have written to Mr. Markham to endeavour to seize him if he should take refuge at Benares which he used to do in Cheyt Sing's time."

Now as it appeared beyond contradiction, the Major said, that Mr. Bristow, who was good authority with the Right Honourable Gentleman, had acted entirely from himself, that is, he had used that discretionary power which was vested in him, could that House have entertained so nonsensical a charge against Mr. Hastings, had the papers been printed entire, as undoubtedly they ought to have been. Major Scott said, he made this observation, because it would apply to the present case. Many papers respecting Fyzoola Cawn, might be in the six volumes now in the press—he did not at all object to the charge, but to the time of its production, and even in that objection he submitted entirely to the opinion of the House, nor would he oppose it, but left it entirely to their determination.

The Charge was delivered in, and ordered to lie on the table.



## Rights of Fyzoola Cawn, &amp;c. before the Treaty of Lall-Dang.

## I.

**T**HAT the Nabob Fyzoola Cawn, who now holds of the Vizier the territory of Rampore, Shawabad, and certain other districts dependent thereon, in the country of the Rohillas, is the second son of a Prince, renowned in the history of Hindostan, under the name of Ally Mohamed Cawn, some time sovereign of all that part of Rohilcund, which is particularly distinguished by the appellation of the Kuttechr.

## II.

That after the death of Ally Mohamed aforesaid, as Fyzoola Cawn, together with his elder brother, was then a prisoner of war, at a place called Herat, “the Rohilla Chiefs took possession of the ancient estates” of the captive Princes; and the Nabob Fyzoola Cawn was, from necessity, compelled to waive his hereditary rights for the inconsiderable districts of Rampore and Shawabad, then estimated to produce from six to eight lacks of annual revenue.

## III.

That in 1774, on the invasion of Rohilcund by the united armies of the Vizier Sujah ul Dowlah and the Company, the Nabob Fyzoola Cawn, “with some of his people, was present at the decisive battle of St George,” where Hafiz Rhamut, the great leader of the Rohillas, and many others of their principal Chiefs were slain; but, escaping from the slaughter, Fyzoola Cawn “made his retreat good towards the mountains, with all his treasure.” He there collected the scattered remains of his countrymen; and as he was the eldest surviving son of Ali Mohamed Cawn, as too the most powerful obstacle to his pretensions was now removed, by the death of Hafiz, he seems at length to have been generally acknowledged, by his natural subjects, the undoubted heir of his father’s authority.

## IV.

That, “regarding the sacred *sincerity* and friendship of the English, whose *goodness* and *celebrity* is every where known, *who dispossess no one*,” the Nabob Fyzoola Cawn made early overtures for peace to Colonel Alexander Champion, Commander in Chief of the Company’s forces in Bengal: That he did propose to the said Colonel Alexander Champion, in three letters, received on the 14th, 24th, and 27th of May, to put himself under the protection either of the Company or of the Vizier, through the mediation, and with the guarantee of the Company; and that he did offer “whatever was conferred upon him, to pay as much, without damage or deficiency, as any other person would agree to do;” stating at the same time his condition and pretensions herein before recited, as facts “evident as the Sun;” and appealing, in a forcible and awful manner, to the generosity and magnanimity of this nation, “by whose means he hoped in God that he should receive justice;” and as “the person who designed the war was no more;” as “in that he was himself guiltless;” and as “he had never acted in such a manner, as for the Vizier to have taken hatred to his heart against him; that he might be re-instated in his ancient possessions, the country of his father.”

## V

That on the last of the three dates above-mentioned; that is to say, on the 27th of May, the Nabob Fyzoola Cawn did also send to the Commander in Chief a Vakeel or Ambassador, who was authorized on the part of him (the Nabob Fyzoola Cawn, his master) to make a specific offer of three propositions; and that by one of the said propositions “an annual increase of near 400,000l. would have accrued to the revenues of our ally, and the immediate acquisition of above 300,000l. to the Company, for their influence in effecting an accommodation perfectly consistent with their engagements to the Vizier,” and strictly consonant to the demands of justice.

## VI.

That so great was the confidence of the Nabob Fyzoola Cawn in the just, humane, and liberal feelings of Englishmen, as to “lull him into an inactivity” of the most essential detriment to



to his interests ; since, “ in the hopes which he entertained, from the interposition of our Government,” he declined the invitation of the Mogul to join the arms of his Majesty and the Mahrattas, “ refused any connection with the Seiks,” and did even neglect to take the obvious precaution of crossing the Ganges, as he had originally intended, while the river was yet fordable ; a movement that would have enabled him certainly to baffle all pursuit, and probably “ to keep the Vizier in a state of disquietude for the remainder of his life.”

## VII.

That the Commander in Chief, Colonel Alexander Champion aforesaid, “ thought nothing “ could be more honourable to this nation than the support of so exalted a character ; and “ whilst it could be done on terms so advantageous, supposed it very unlikely that the Vakeel’s “ proposition should be received with indifference :” that he did accordingly refer it to the Administration, through Warren Hastings, Esquire, then Governor of Fort William, and President of Bengal ; and he did at the same time enclose to the said Warren Hastings, a letter from the Nabob Fyzoola Cawn to the said Hastings ; which letter does not appear, but must be supposed to have been of the same tenor with those before cited to the Commander in Chief ; of which also copies were sent to the said Hastings by the Commander in Chief ; and he (the Commander in Chief aforesaid) after urging to the said Hastings sundry good and cogent arguments of policy and prudence, in favour of the Nabob Fyzoola Cawn, did conclude by “ wishing for nothing so much, as for the adoption of some measure that might strike all the “ Powers of the East with admiration of our justice, in contrast to the conduct of the “ Vizier.”

## VIII.

That in answer to such laudable wish of the said Commander in Chief, the President (Warren Hastings) preferring his own prohibited plans of extended dominion to the mild, equitable, and wise policy inculcated in the standing orders of his Superiors, and now enforced by the recommendation of the Commander in Chief, did instruct and “ desire” him, the said Commander in Chief, “ instead of soliciting the Vizier to relinquish his conquest to Fyzoola “ Cawn, to discourage it as much as was in his power ;” although the said Hastings did not once express, or even intimate, any doubt whatever of the Nabob Fyzoola Cawn’s innocence as to the origin of the war, or of his hereditary right to the territories which he claimed ; but to the said pleas of the Nabob Fyzoola Cawn, as well as to the arguments both of policy and justice, advanced by the Commander in Chief, he the said Hastings did solely oppose certain speculative objects of imagined expediency ; summing up his decided rejection of the proposals made by the Nabob Fyzoola Cawn in the following remarkable words :

“ With respect to Fyzoola Cawn, he *appears not to merit our consideration. The petty “ Sovereign of a country estimated at six or eight lacks ought not for a moment to prove an impediment “ to any of our measures, or to affect the consistency of our conduct.”*

## IX.

That, in the aforesaid violent and arbitrary position, the said Warren Hastings did avow it to be a public principle of his Government, that no right, however manifest, and no innocence, however unimpeached, could entitle the weak to our protection against others, or save them from our own active endeavours for their oppression, and even extirpation, should they interfere with our notions of political expediency : and that such a principle is highly derogatory to the justice and honour of the English name, and fundamentally injurious to our interests, inasmuch as it hath an immediate tendency to excite distrust, jealousy, fear, and hatred against us, among all the subordinate Potentates of Hindostan.

## X.

That in prosecution of the said despotic principle, the President (Warren Hastings aforesaid) did persist to obstruct, as far as in him lay, every advance towards an accommodation between the Vizier Sujau ul Dowlah, and the Nabob Fyzoola Cawn ; and particularly on the 16th of September, only eight days after the said Hastings, in conjunction with the other Members of the Select Committee of Bengal, had publicly testified his *satisfaction* in the prospect of an accommodation, and had *hoped* that “ his Excellency (the Vizier) would be disposed to conciliate the affections (of the Rohillas) to his Government, by *acceding to lenient terms* ;” he, the said Hastings, did nevertheless write, and without the consent or knowledge of his colleagues, did privately dispatch a certain answer to a letter of the Commander in Chief : in which answer the said Hastings did express other *contradictory hopes*, namely, that the Com-  
mander



Commander in Chief had resolved on prosecuting the war to a final issue, "because (as the said Hastings explains himself) "it appears very plainly that Fyzoola Cawn, and his adherents, "lay at your mercy; because I apprehend much inconveniency from delays; and because I am "morally certain that no good will be gained by negotiating;"---thereby actually suggesting his wishes of what might be in his hopes of what had been resolved; and plainly, though indirectly, instigating the Commander in Chief to much effusion of blood in an immediate attack on the Rohillas, posted as they were, "in a very strong situation," and "combating "for all."

## XI.

That the said Hastings, in the answer aforesaid, did further endeavour to enflame the Commander in Chief against the Nabob Fyzoola Cawn, by representing the said Nabob as highly "presuming, insolent, and evasive;" and knowing the distrust which the Nabob Fyzoola Cawn entertained of the Vizier, the said Hastings did "expressly desire it should be left "wholly to the Vizier to treat with the enemy by *his own agents* and *in his own manner*;" though he the said Hastings, "by no means wished the Vizier to lose time by seeking an "accommodation, since it would be more effectual, more decisive, and more *consistent with "his dignity, indeed with his honour, which he has already pledged*, to abide by his first offers to "dictate the conditions of peace, and to admit only an acceptance without reservation, or a "clear refusal from his adversary;" thereby affecting to hold up, in opposition to, and in exclusion of, the substantial claims of justice, certain ideal obligations of dignity and honour, that is to say, the gratification of pride, and the observance of an arrogant determination once declared.

## XII.

That although the said answer did not reach the Commander in Chief until peace was actually concluded; and although the dangerous consequences to be apprehended from the said answer were thereby prevented, yet by the sentiments contained in the said answer, Warren Hastings, Esquire, did strongly evince his ultimate adherence to all the former violent and unjust principles of his conduct towards the Nabob Fyzoola Cawn; which principles were disgraceful to the character, and injurious to the interests of this nation: and that the said Warren Hastings did thereby, in a particular manner, exclude himself from any share of credit for "the honourable period put to the Rohilla war, which has in some degree done away the "reproach so wantonly brought on the English name."

# Rights of Fyzoola Cawn, under the Treaty of Lall-Dang.

## I.

**T**HAT, notwithstanding the culpable and criminal reluctance of the President Hastings, herein before recited, a treaty of peace and friendship between the Vizier Sujah ul Dowlah and the Nabob Fyzoola Cawn, was finally signed and sealed, on the 7th October, 1774, at a place called Lall-Dang, in the pretence, and with the attestation of the British Commander in Chief, Colonel Alexander Champion aforesaid; and that for the said treaty the Nabob Fyzoola Cawn agreed to pay, and did actually pay, the valuable consideration of half his treasure, to the amount of 15 lacks of rupees, or £.150,000 sterling, and upwards.

## II.

That by the said treaty, the Nabob Fyzoola Cawn was established in the quiet possession of Rampore, Shawabad, and "some other districts dependent thereon," subject to certain conditions, of which the more important were as follow:

"That Fyzoola Cawn should retain in his service 5,000 troops, and not a single man "more:

That



“ That with whomsoever the Vizier should make war, Fyzoola Cawn should send *two or three thousand men, according to his ability*, to join the forces of the Vizier :

“ And that, if the Vizier should march in person, Fyzoola Cawn should himself accompany him *with his troops.*”

### III.

That from the terms of the treaty above recited it doth plainly, positively, and indisputably appear, that the Nabob Fyzoola Cawn, in case of war, was not bound to furnish more than three thousand men under any construction, unless the Vizier should march in person.

### IV.

That the Nabob Fyzoola Cawn was not positively bound to furnish so many as 3,000 men, but an indefinite number, not more than three, and not less than two thousand ; that, of the precise number within such limitations, the ability of Fyzoola Cawn, and not the discretion of the Vizier, was to be the standard ; and that such ability could only mean, that which was equitably consistent not only with the external defence of his Jaghire, but with the internal good management thereof, both as to its police and revenue.

### V.

That even in case the Vizier should march in person, it might be reasonably doubted, whether the personal service of the Nabob Fyzoola Cawn “ with his troops” must be understood to be, with *all* his troops, or only with the number before stipulated, not more than three, and not less than two thousand men ; and that the latter is the interpretation finally adopted by Warren Hastings aforesaid, and the Council of Bengal, who in a letter to the Court of Directors, dated April 5th, 1783, represent the clauses of the treaty relative to the stipulated aid as meaning simply, that Fyzoola Cawn “ should send 2 or 3,000 men to join the Vizier’s forces, or attend in person, in case it should be requisite.”

### VI.

That from the aforesaid terms of the treaty, it doth not specifically appear of what the stipulated aid should consist, whether of horse or foot, or in what proportion of both ; but that it is the recorded opinion, maturely formed by the said Hastings and his Council, in January 1783, that even “ a single horseman included in the aid which Fyzoola Cawn might furnish, would prove a literal compliance with the stipulation.”

### VII.

That, in the event of any doubt fairly arising from the terms of the treaty, the Nabob Fyzoola Cawn, in consideration of his hereditary right to the whole country, and the price by him actually paid for the said treaty, was in equity entitled to the most favourable construction.

### VIII.

That, from the attestation of Colonel Champion aforesaid, the Government of Calcutta acquired the same right to interpose with the Vizier for the protection of the Nabob Fyzoola Cawn, as they the said Government had before claimed from a similar attestation of Sir Robert Barker, to assist the Vizier in extirpating the whole nation of the said Fyzoola Cawn ; more especially, as in the case of Sir Robert Barker it was contrary to the remonstrances of the then Administration, and the furthest from the intentions of the said Barker himself, that his attestation should involve the Company ; but the attestation of Colonel Champion was authorized by all the Powers of the Government, as a “ sanction” intended “ to add validity” to the treaty : That they the said Government, and in particular the said Warren Hastings, as the first executive Member of the same, were bound by the ties of natural justice duly to exercise the aforesaid right, if need were ; and that their duty so to interfere was more particularly enforced by the spirit of the censures past both by the Directors and Proprietors in the Rohilla war, and the satisfaction expressed by the Directors, “ in the honourable end put to that war.”



## Guarantee of the Treaty of Lall-Dang.

### I.

**T**HAT during the life of the Vizier Sujah ul Dowlah, and for some time after his death, under his son and successor Asoph ul Dowlah, the Nabob Fyzoola Cawn did remain without disturbance or molestation : That he did all the while imagine his treaty to be under the sanction of the Company, from Colonel Champion's affixing his signature thereto as a witness, " which signature, as he (Fyzoola Cawn) supposed," rendered the Company the *arbitrators* between the Vizier and himself, in case of disputes : And that, being " a man of sense but *extreme pusillanimity*, a good farmer, fond of wealth, *not possessed of the passion of ambition*," he did peaceably apply himself to " improve the state of his country ; and did, by *his own prudence and attention*, increase the revenues thereof beyond the amount specified in Sujah ul Dowlah's grant."

### II.

That in the year 1777, and in the beginning of the year 1778, being " alarmed at the young Vizier's resumption of a number of jaghires, granted by his father to different persons, and " the injustice and oppression of his conduct in general ;" and having now learned (from whom does not appear, but probably from some person supposed of competent authority) that Colonel Champion formerly witnessed the treaty as a private person, the Nabob Fyzoola Cawn did make frequent and urgent solicitations to Nathaniel Middleton, Esquire, then Resident at Owde, and to Warren Hastings aforesaid, then Governor General of Bengal, " for a renovation of " his (the Nabob Fyzoola Khan's) treaty with the late Vizier, and the Guarantee of the Company," or for a " separate agreement with the Company for his defence ;" considering them (the Company) as " the only power in which he had confidence, and to which he could look up for protection."

### III.

That the said Resident Middleton, and the said Governor General Hastings, did not, as they were in duty bound to do, endeavour to allay the apprehensions of the Nabob Fyzoola Cawn, by assuring him of his safety under the sanction of Colonel Champion's attestation aforesaid ; but by their criminal neglect, if not by positive expressions (as there is just ground, from their subsequent language and conduct, to believe) they, the said Middleton and the said Hastings, did at least keep alive and confirm (whoever may have originally suggested) the said apprehension ; and that such neglect alone was the more highly culpable in the said Hastings, inasmuch as he, the said Hastings, in conjunction with other Members of the Select Committee of the then Presidency of Bengal, did on the 17th of September, 1774, write to Colonel Champion aforesaid, publicly authorizing him the said Colonel Champion to join his *sanction* to the accommodations agreed on (between the Vizier Sujah ul Dowlah, and the Nabob Fyzoola Cawn) *to add to their validity* ; and, on the 6th of October following, did again write to the said Colonel Champion more explicitly, to join his sanction, " either by attesting the treaty, or *acting as* " *guarantee* on the part of the Company, for the performance of it," both which letters, though they did not arrive until after the actual signature of the said Colonel Champion, do yet incontrovertibly mark the solemn intention of the said Committee (of which the said Hastings was President) that the sanction of Colonel Champion's attestation should be regarded as a public, not a private sanction ; and it was more peculiarly incumbent on such persons who had been Members of the said Committee, so to regard the same.

### IV.

That the said Warren Hastings was further guilty of much criminal concealment for the space of " twelve months," inasmuch as he did not lay before the Board the frequent and urgent solicitations which he, the said Hastings, was continually receiving from the Nabob Fyzoola Cawn, until the 9th of March, 1778 ; on which day the said Hastings did communicate to the Council a public letter of the aforesaid Middleton, Resident at Owde, acquainting the Board that he (the said Middleton) taking occasion from a late application of Fyzoola Cawn for the Company's guarantee, had deputed Mr. Daniel Octavus Barwell (assistant Resident at Benares, but then on a visit to the Resident Middleton at Lucknow) to proceed with a special commission to Rampore, there to enquire on the spot into the truth of certain reports circulated



to the prejudice of Fyzoola Cawn ; which reports however the said Middleton did afterwards confess himself to have “ *always* ” thought “ *in the highest degree improbable.* ”

“ That the said Resident Middleton did “ request to know whether, on proof of Fyzoola Cawn’s innocence, the Honourable Board would be pleased to grant him (the Resident) permission to comply with his (Fyzoola Cawn’s) request, of the Company’s guaranteeing his treaty with the Vizier.” And the said Middleton, in excuse for having irregularly “ availed himself of the abilities of Mr. Daniel Barwell,” who belonged to another station, and for deputing him with the aforesaid commission to Rampore, without the previous knowledge of the Board, did urge the plea “ *of immediate necessity* ; ” and that such plea, if the necessity really existed, was a strong charge and accusation against the said Warren Hastings, from whose criminal neglect and concealment the urgency of such necessity did arise.

## V.

That the Governor General, Warren Hastings aforesaid, did immediately move “ that the Board approve the deputation of Mr. Daniel Barwell, and that the Resident (Middleton) be authorized to offer the Company’s guarantee for the observance of the treaty subsisting between the Vizier and Fyzoola Cawn, provided it meets with the Vizier’s concurrence : ” And that the Governor General’s proposition was resolved in the affirmative ; the usual Majority of Council then consisting of Richard Barwell, Esquire, a near relation of Daniel Octavus Barwell aforesaid, and the Governor General, Warren Hastings, who, in case of an equality, had the casting voice.

## VI.

That on receiving from Mr. Daniel Barwell full and early assurance of Fyzoola Cawn’s “ having preserved every article of his treaty inviolate,” the Resident Middleton applied for the Vizier’s concurrence, which was readily obtained ; the Vizier however *premising* that he gave his consent, “ taking it for granted, that on Fyzoola Cawn’s receiving the treaty, and Khelaut (or robe of honour) he was to make him a return of the complimentary presents usually offered on such occasions, and of such an amount as should be a manifestation of Fyzoola Cawn’s due sense of his friendship, and suitable to his Excellency’s rank to receive ; ” and that the Resident Middleton “ did make himself in some measure responsible for the said presents being obtained,” and did write to Mr. Daniel Barwell accordingly.

## VII.

That agreeably to the resolution of Council hereinbefore recited, the solicited guarantee, under the seal of the Resident Middleton, thus duly authorized on behalf of the Company, was transmitted, together with the renewed treaty, to Mr. Daniel Barwell aforesaid at Rampore ; and that they were both by him, the said Barwell, presented to the Nabob Fyzoola Cawn, with a solemnity not often paralleled, “ in the presence of the greatest part of the Nabob’s subjects who were assembled, that the ceremony might create a full belief in the breast of all his people, that the Company would protect him as long as he strictly adhered to the letter of his treaty.”

## VIII.

That in the conclusion of the said ceremony, the Nabob Fyzoola Cawn did deliver to the said Barwell, for the use of the Vizier, a nuzzer (or present) of elephants, horses, &c. and did add thereto a lack of rupees, or 10,000l. and upwards ; which sum the said Barwell, “ not being authorized to accept any pecuniary consideration, did at first refuse ; but upon Fyzoola Cawn’s urging, that on such occasions it was the invariable custom of Indostan, and that it *must on the present be expected, as it had been formerly the case* ” (but when, does not appear) ; he the said Barwell did accept the said lack in the name of the Vizier, our ally, “ in whose wealth (as Warren Hastings on another occasion observed) we should participate,” and on whom we at that time had an accumulating demand.

## IX.

That over and above the lack of rupees thus presented to the Vizier, the Nabob Fyzoola Cawn did likewise offer one other lack of rupees, or upwards of 10,000l. more, for the Company, “ as some acknowledgment of the obligation he received : That although such acknowledgment was not pretended to be the invariable custom of Indostan on such occasions, however it might on the present be expected,” Mr. Daniel Barwell aforesaid (knowing probably the



the disposition and views of the then actual Government of Calcutta) did not, *even at first*, decline the said offer, but, as he was not empowered to accept it, did immediately propose taking a bond for the amount, until the pleasure of the Board should be known.

That the offer was accordingly communicated by the said Barwell to the Resident Middleton, to be by him the Resident referred to the Board; and that it was so referred. That in reply to the said reference of the Resident Middleton, the Governor General (Warren Hastings) did move and carry a vote of Council, "authorizing Mr. Middleton to accept the offer made by Fyzoola Cawn to the Company, of one lack of rupees," without assigning any reason whatever in support of the said motion, notwithstanding it was objected by a Member of the Board, "that if the measure was right, it became us to adopt it without such a consideration;" and that "our accepting of the lack of rupees as a recompence for our interposition, is beneath the dignity of this Government (of Calcutta) and will discredit us in the eyes of the Indian Powers."

That the acceptance of the said sum, in this circumstance, was beneath the dignity of the said Government, and did tend so to discredit us; and that the motion of the said Hastings for such acceptance was therefore highly derogatory to the honour of this nation.

#### X.

That the aforesaid Member of the Council did further disapprove altogether of the guarantee "as unnecessary," and that another Member of Council, Richard Barwell, Esquire, the near relation of Daniel O'Stavus Barwell, herein before named, did declare (but after the said guarantee had taken place) that "this government (of Calcutta) was in fact engaged, by Colonel Champion's signature being to the treaty with Fyzoola Cawn," that the said unnecessary guarantee did not only subject to an heavy expence a Prince whom we were bound to protect, but did further produce in his mind the following obvious and natural conclusion, namely, "*that the signature of any person, in whatever public capacity he at present appears, will not be valid and of effect, as soon as some other shall fill his station:*" a conclusion, however, immediately tending to the total discredit of all powers delegated from the Board to any individual servant of the Company, and consequently to clog, perplex, and embarrass, in future, all transactions carried on at a distance from the seat of government, and to disturb the security of all persons possessing instruments already so ratified; yet the only conclusion left to Fyzoola Cawn, which did not involve some affront, either to the private honour of the Company's servants, or to the public honour of the Company itself; and that the suspicions which originated from the said idea in the breast of Fyzoola Cawn, to the prejudice of the Resident Middleton's authority, did compel the Governor General, Warren Hastings, to obviate the bad effects of his first motion for the guarantee, by a second motion; namely, "that a letter be written to Fyzoola Cawn from myself, *confirming the obligations of the Company, as guarantees to the treaty formed between him and the Vizier; which will be equivalent in its effect, though not in form, to an engagement sent him with the Company's seal affixed to it.*"

#### XII.

That whether the guarantee aforesaid was or was not necessary; whether it created a new obligation, or but more fully recognized an obligation previously existing; the Governor General, Warren Hastings, by the said guarantee, did, in the most explicit manner, pledge and commit the public faith of the Company, and the nation; and that by the subsequent letter of the said Hastings (which he at his own motion wrote, confirming to Fyzoola Cawn the aforesaid guarantee) the said Hastings did again pledge and commit the public faith of the Company and the nation, in a manner (as the said Hastings himself remarked) "equivalent to an engagement with the Company's seal affixed to it;" and more particularly binding the said Hastings personally to exact a due observance of the guaranteed treaty, especially to protect the Nabob Fyzoola Cawn against any arbitrary construction, or unwarranted requisition of the Vizier.

### Thanks of the Board to Fyzoola Cawn.

**T**HAT soon after the completion of the guarantee, in the same year 1778, intelligence was received in India of a war between England and France: That on the first intimation thereof, the Nabob Fyzoola Cawn, "being indirectly founded," did shew much "promptness



“ nefs to render the Company any affiftance within the bounds of his finances and ability;” and that by the fuggestion of the Refident Middleton, hereinbefore named, he (the Nabob Fyzoola Cawn) in a letter to the Governor General and Council, did make a voluntary “ offer to maintain 2,000 cavalry (all he had) for our fervice;” “ though he was under no obligation to furnifh the Company with a fingle man.”

## II.

That the Nabob Fyzoola Cawn did even “ anticipate the wifhes of the Board;” and that “ on an application made to him by Lieutenant Colonel Muir,” the Nabob Fyzoola Cawn did, without hesitation or delay, “ furnifh him (the faid Muir) with 500 of his beft cavalry.

That the faid conduct of the Nabob Fyzoola Cawn was communicated by the Company’s fervants, both to each other, and to their employers, with expreffions of “ pleafure” and “ particular fatisfaction,” as an event “ even furpaffing their expectations:” That the Governor General, Warren Haftings, was officially requested to convey “ the thanks of the Board;” and that, not fatisfied with the bare difcharge of his duty, under the faid request, he the faid Haftings did, on the 8th of January, 1779, write to Fyzoola, “ that *in his own name,*” as well as “ that of the Board, he (the faid Haftings) returned him the *warmeft* thanks for this inftance of his faithful attachment to the Company and the Englifh nation.”

## IV.

That by the ftrong expreffions above recited, the faid Warren Haftings did deliberately and emphatically add his own particular confirmation to the general testimony of the Nabob Fyzoola Cawn’s meritorious fidelity, and of his confequent claim on the generofity, no lefs than the juftice, of the Britifh government.

---

# DEMAND OF FIVE THOUSAND HORSE.

## I.

**T**HAT notwithstanding his own private honour, thus deeply engaged, notwithstanding the public juftice and generofity of the Company and the nation, thus folemnly committed, difregarding the plain import and pofitive terms of the guaranteed treaty, the Governor General, Warren Haftings aforefaid, in November, 1780 (while a body of Fyzoola Cawn’s cavalry, voluntarily granted, were ftill ferving under a Britifh officer) did recommend to the Vizier “ to require from Fyzoola Cawn the quota of troops ftipulated by treaty to be furnifhed “ by the latter for his (the Vizier’s) fervice, being FIVE THOUSAND HORSE;” though, as the Vizier did not march in perfon, he was not, under any conftruction of the treaty, entitled by ftipulation, to more than “ *two or three thoufand troops,*” horfe and foot, “ according to the “ ability of Fyzoola Cawn:” And that, whereas the faid Warren Haftings, would have been guilty of very criminal perfidy, if he had fimply neglected to interfere as a guarantee, againft a demand thus plainly contrary to the faith of treaty, fo he aggravated the guilt of his perfidy, in the moft atrocious degree, by being himfelf the firft mover and infligator of that injuftice, which he was bound by fo many ties on himfelf, the Company, and the nation, not only not to promote, but by every exertion of authority, influence, and power, to controul, to divert, or to refift.

## II.

That the anfwer of Fyzoola Cawn to the Vizier did represent, with many expreffions of deference, duty, and allegiance, that

The whole force allowed him was but “ five thoufand men,” and that “ thefe confifted of “ two thoufand horfe, and three thoufand foot; which (he adds) in confequence of our intimate connection, are equally yours and the Company’s;” though he does fubfequently intimate, that “ the three thoufand foot are for the management of the concerns of his jaghire, “ and without them the collections can never be made in time.”



That on the communication of the said answer to the Governor General Warren Hastings, he the said Hastings (who, as the Council now consisted only of himself, and Edward Wheler, Esq. "united in his own person all the powers of government") was not induced to relax from his unjust purpose; but did proceed with new violence to record, that

"The Nabob Fyzoola Cawn *had evaded the performance of his part of the treaty between the late Nabob Sujah ul Dowlah and him, to which the Honourable Company were guarantees, and upon which he was lately summoned to furnish the stipulated number of troops, which he is obliged to furnish, on the condition by which he holds the jaghire granted to him.*"

That by the vague and indefinite term of evasion, the said Warren Hastings did introduce a loose and arbitrary principle of interpreting formal engagements which ought to be regarded, more especially by guarantees, in a sense the most literally scrupulous and precise.

That he charged with such evasion, a moderate, humble, and submissive representation, on a point which would have warranted a peremptory refusal, and a positive remonstrance; and that in consequence of the said imputed evasion he indicated a disposition to attach such a forfeiture, as in justice could only have followed from a gross breach of treaty; though the said Hastings did not then pretend any actual infringement, even of the least, among the conditions to which, in the name of the Company, he, the said Hastings, was the executive guarantee.

### III.

That however "the number of troops stipulated by treaty may have been understood," at the period of the original demand, "to be five thousand horse," yet the said Warren Hastings, at the time when he recorded the supposed evasion of Fyzoola Cawn's answer to the said demand, could not be unacquainted with the express words of the stipulation, as a letter of the Vizier, inserted in the same consultation, refers the Governor General to inclosed copies "of all engagements entered into by the late Vizier, and by himself (the reigning Vizier) with Fyzoola Cawn;" and that the treaty itself therefore was at the very moment before the said Warren Hastings; which treaty (as the said Hastings observed with respect to another treaty, in the case of another person) "most assuredly does not contain a syllable to justify his conduct; but by the unexampled latitude which he assumes in his constructions, he may, if he pleases, extort this or any other meaning from any part of it."

### IV.

That the Vizier himself appears by no means to have been persuaded of his own right to five thousand horse under the treaty; since in his correspondence on the subject, he (the Vizier) nowhere mentions the treaty as the ground of his demand, except where he is recapitulating to the Governor General, Warren Hastings, the substance of his (the said Hastings's) own letters; on the contrary, the Vizier hints his apprehensions lest Fyzoola Cawn should appeal to the treaty, against the demand, a breach thereof; in which case he (the Vizier) informs the said Hastings of the projected reply: "Should Fyzoola Cawn (says the Vizier) mention any thing of the tenor of the treaty, *the first breach of it has been committed by him, in keeping up more men than allowed of by the treaty: I have accordingly sent a person to settle that point also.* In case he should mention to me any thing respecting the treaty, I will then reproach him with having kept up too many troops, and will oblige him to send the five thousand horse;" thereby clearly intimating, that a remonstrance against the demand, as a breach of treaty, could only be answered by charging a prior breach of treaty on Fyzoola Cawn; so, by annulling the whole treaty, to reduce the question to a mere question of force, and thus "oblige Fyzoola Cawn to send the five thousand horse:" "For (continues the Vizier) if, when the Company's affairs, on which my honour depends, require it, Fyzoola Cawn will not lend his assistance, *what use is there to continue the country to him?*"

That the Vizier actually did make his application to Fyzoola Cawn for the 5,000 horse, not as for an aid, to which he had a just claim, but as for something over and above the obligations of the treaty, something "that would give increase to their friendship, and satisfaction to the Nabob Governor," (meaning the said Hastings) whose directions he represents as the motive "of his call for the 5,000 horse to be employed," not in his (the Vizier's) but in the Company's service."

And, that the aforesaid Warren Hastings did therefore, in recording the answer of Fyzoola Cawn, as an evasion of treaty, act in notorious contradiction, not only to that which ought to have been the fair construction of the said treaty, but to that which he the said Hastings must have



have known to be the Vizier's own interpretation of the same disposed as the Vizier was, "to reproach Fyzoola Cawn with breach of treaty," and to "send up persons who should settle points with him."

## V.

That the said Warren Hastings, not thinking himself justified, on the mere plea of an evasion, to push forward his proceedings to that extremity which he seems already to have made his scope and object, and seeking some better colour for his unjust and violent purposes, did further move, that Commissioners should be sent from the Vizier and the Company to Fyzoola Cawn, to insist on a clause of a treaty, which no where appears, being essentially different from the treaty of Lall-Dang, though not in the part on which the requisition is founded: And the said Hastings did then, in a style unusually imperative, proceed as follows:

"Demand immediate delivery of 3,000 cavalry; and if he should evade, or refuse compliance, that the deputies shall deliver him a formal protest against him for breach of treaty; and return, making this report to the Vizier, which Mr. Middleton is to transmit to the Board."

## VI.

That the said motion of the Governor General Hastings was ordered accordingly, the Council, as already has been herein related, consisting but of two members, and the said Hastings consequently "uniting in his own person all the powers of government."

## VII.

That when the said Hastings ordered the said demand for 3,000 cavalry, he the said Hastings well knew that a compliance therewith, on the part of the Nabob Fyzoola Cawn, was utterly impossible; for he, the said Hastings, had at the very moment before him a letter of Fyzoola Cawn, stating that he, Fyzoola Cawn, had "but two thousand cavalry" altogether; which letter is entered on the records of the Company, in the same Consultation, immediately preceding the Governor General's Minute. That the said Hastings therefore knew, that the only possible consequence of the aforesaid demand necessarily and inevitably must be a protest for a breach of treaty; and the Court of Directors did not hesitate to declare, that the said demand "carried the appearance of a determination to create a pretext for depriving him (Fyzoola Cawn) of his jaghire entirely, or to leave him at the mercy of the Vizier."

## VIII.

That Richard Johnson, Esquire, Assistant Resident at Owde, was, agreeably to the aforementioned order of Council, deputed Commissioner from Mr. Middleton and the Vizier to Fyzoola Cawn; but that he did early give the most indecent proofs of glaring partiality, to the prejudice of the said Fyzoola Cawn: for that the very next day (as it seems) after his arrival, he, the said Johnson, from opinions imbibed in his journey, did state himself to be "unwilling to draw any favourable or flattering inferences relatively to the object of his mission;" and did studiously seek to find new breaches of treaty; and without any form of regular enquiry whatever, from a single glance of his eye in passing, did take upon himself to pronounce "the Rohilla soldiers, in the district of Rampore alone, to be not less than 20,000," and the grant of course to be forfeited. And that such a gross and palpable display of a pre-determination to discover guilt, did argue in the said Johnson a knowledge, a strong presumption, or a belief, that such representations would be agreeable to the secret wishes and views of the said Hastings, under whose orders he the said Johnson acted, and to whom all his reports were to be referred.

## IX.

That the said Richard Johnson did soon after proceed to the immediate object of his mission, "which (the said Johnson relates) was short to a degree." The demand was made, and "a flat refusal" given; the question was repeated, with like effect. The said Johnson, in presence of proper witnesses, then drew up his protest, "together with a memorandum of a *pal- liative offer* made by the Nabob Fyzoola Cawn," and inserted in the protest:

"That he would, in compliance with the demand, and in conformity to the treaty, which specified no definite number of cavalry or infantry, only expressing troops, furnish 3,000 men; viz. he would, in addition to the 1,000 cavalry already granted, give 1,000 more, when  
"and



“ and wheresoever required, and 1,000 foot;” together with one year’s pay in advance, and funds for the regular payment of them in future.

And this (the said Richard Johnson observes) “ I put down at his (the Nabob Fyzoola Cawn’s) particular desire, but otherwise useless, as *my orders* (which orders do not appear) *were not to receive any palliation, but a negative or affirmative;*” though such palliation, as it is called by the said Johnson, might be, as it was, in the strictest conformity to the treaty.

## X.

That in the said offer, the Nabob Fyzoola Cawn, instead of palliating, did at once admit the extreme right of the Vizier, under the treaty, by agreeing to furnish 3,000 men, when he (Fyzoola Cawn) would have been justified in pleading his inability to send more than two thousand. That such inability would not (as appears) have been a false and evasive plea, but perfectly true and valid; as the 3,000 foot maintained by Fyzoola Cawn were for the purposes of his internal government, for which the whole 3,000 must have been demonstrably necessary; and that the Nabob Fyzoola Cawn, by declining to avail himself of a plea so fair, so well founded, and so consonant to the indulgence expressly acknowledged in the treaty, and by thus meeting the specific demand of the Vizier as fully as, according to his own military establishment, he could, did, for the said offer, deserve rather the thanks of the said Vizier and the Company, than the protest which the aforesaid Johnson, under the orders of Warren Hastings, did deliver.

## XI.

That the report of the said protest, as well as the former letter of the said Johnson, were by the Resident Middleton transmitted to the Board, together with a letter from the Vizier, founded on the said report and letter of the said Johnson, and proposing in consequence “ to resume the grant, and to leave Fyzoola Cawn to join his other faithless brethren, who were sent across the Ganges.”

That the said papers were read in Council on the 4th of June, 1781, when the Governor General, Warren Hastings, did move and carry a vote to suspend a final resolution on the same; and the said Hastings did not express any disapprobation of the proceedings of the said Johnson; neither did the said Hastings assign any reasons for his motion of suspension, which passed without debate. That in truth the said Hastings had then projected a journey up the country to meet the Vizier, for the settlement of articles relative to the regulation of Owde and its dependencies, among which was included the jaghire of Fyzoola Cawn; and the said Hastings, for the aforesaid purposes, did, on the 3d of July, by his own casting vote, grant to himself, and did prevail on his colleague, Edward Wheler, Esquire, to grant a certain illegal delegation of the whole powers of the Governor General and Council; and on the seventh of the same month did proceed on his way to join the Vizier, at a place called Chunar, on the borders of Benares; and that the aforesaid vote, of suspending a final resolution on the transactions with Fyzoola Cawn, was therefore in substance and effect a reference thereof by the said Hastings, from himself in Council, with his colleague Wheler, to himself in conference and negotiation with the Vizier, who, from the first demand of the 5,000 horse, had taken every occasion of shewing his inclination to dispossess Fyzoola Cawn, and who, before the said demand (in a letter which does not appear, but which the Vizier himself quotes as antecedent to the said demand) had complained to the said Hastings of the “ injury and irregularity in the management of the provinces bordering on Rampore, arising from Fyzoola Cawn having the uncontroled dominion of that district.”

---

## T R E A T Y of C H U N A R.

## I.

**T**HAT the Governor General, Warren Hastings, being vested with the illegal powers before recited, did, on the 19th of September, 1781, enter into a treaty with the Vizier at Chunar; which treaty (as the said Hastings relates) was drawn up “ from a series of requisitions presented to him (the said Hastings) by the Vizier,” and by him received “ with an instant



“ instant and unqualified assent to each article;” and that the said Hastings assigns his reasons for such ready assent in the following words: “ I considered the subjects of his (the Vizier’s) requests as essential to the reputation of our government, and no less to our interest than his.”

## II.

That in the said treaty of Chunar, the third article is as follows :

“ That as Fyzoola Cawn has by his breach of treaty forfeited the protection of the English government, and causes, by his continuance in his present independent state, great alarm and detriment to the Nabob Vizier, he be permitted, *when time shall suit*, to resume his lands, and pay him in money, through the Resident, the amount stipulated by treaty, after deducting the amount and charges of the troops he stands engaged to furnish by treaty; which amount shall be passed to the account of the Company during the continuance of the present war.”

## III.

That for the better elucidation of his policy in the several articles of the treaty above-mentioned, the said Hastings did send to the Council of Calcutta (now consisting of Edward Wheler and John Macpherson, Esquires,) two different copies of the said treaty, with explanatory minutes opposed to each article; and that the minute opposed to the third article is thus expressed :

“ The conduct of Fyzoola Cawn, in refusing the aid demanded, though *not an absolute breach of treaty*, was evasive and uncandid. *The demand was made for 5,000 cavalry. The engagement in the treaty is literally for 5,000 horse and foot.* Fyzoola Cawn could not be ignorant that we had no occasion for any succours of infantry from him, and that cavalry would be of the most essential service. *So scrupulous an attention to literal expression, when a more liberal interpretation would have been highly useful and acceptable to us, strongly marks his unfriendly disposition, though it may not impeach his fidelity, and leaves him little claim to any exertions from us for the continuance of his jaghires.* But I am of opinion that neither the Vizier’s nor the Company’s interests would be promoted by depriving Fyzoola Cawn of his independency, and I have therefore reserved the execution of this agreement to an indefinite term; and our government may always interpose to prevent any ill effects from it.”

## IV.

That in his afore said authentic evidence of his own purposes, motives, and principles, in the third article of the treaty of Chunar, the said Hastings hath established divers matters of weighty and serious criminality against himself.

1st. That the said Hastings doth acknowledge therein, that he did, in a public instrument, solemnly recognize, “ *as a breach of treaty*,” and as such, did subject to the consequent penalties, an act which he the said Hastings did at the same time think, and did immediately declare to be “ *no breach of treaty*,” and by so falsely and unjustly proceeding against a person under the Company’s guarantee, the said Hastings, on his own confession, did himself break the faith of the said guarantee.

2d. That in justifying this breach of the Company’s faith, the said Hastings doth *wholly abandon his second peremptory demand for the 3,000 horse*, and the protest consequent thereon; and the said Hastings doth thereby condemn the violence and injustice of the same.

3dly. That in recurring to the original demand of five thousand horse as the ground of his justification, the said Hastings doth falsely assert “ *the engagement in the treaty to be literally FIVE thousand horse and foot*,” whereas it is in fact for TWO or THREE thousand men; and the said Hastings doth thereby wilfully attempt to deceive and mislead his employers, which is an high crime and misdemeanor in a servant of so great a trust.

4thly. That with a view to his further justification, the said Hastings doth advance a principle, that “ *a scrupulous attention to the literal expression*” of a guaranteed treaty “ *leaves*,” to the person so observing the same, “ *but little claim to the exertions*” of a guarantee on his behalf; that such a principle is utterly subversive of all faith of guarantees, and is therefore highly criminal in the first executive member of a government, that must necessarily stand in that mutual relation to many.



5thly. That the said Hastings doth profess his opinion of an article to which he gave an *"instant and unqualified assent,"* that it was a measure *"by which neither the Vizier's nor the Company's interests would be promoted,"* but from which, without some interposition, *"ill effects must be expected;"* and that the said Hastings doth thereby charge himself with a high breach of trust towards his employers.

6thly. That the said Hastings having thus confessed that, consciously and wilfully (from what motives he hath not chosen to confess) he did give his formal sanction to a measure both of injustice and impolicy, he the said Hastings doth urge, in his defence, that he did at the same time insert words *"reserving the execution of the said agreement to an indefinite term;"* with an intent that it might in truth be never executed at all; but that *"our government might always interpose,"* without right, by means of an indirect and undue influence, to prevent the ill effects following from a collusive surrender of a clear and authorized right to interpose; and the said Hastings doth thereby declare himself to have introduced a principle of duplicity, deceit, and double dealing, into a public engagement, which ought in its essence to be clear, open, and explicit; that such a declaration tends to shake and overthrow the confidence of all, in the most solemn instruments of any person so declaring, and is therefore an high crime and misdemeanor in the first executive member of government, by whom all treaties and other engagements of the state are principally to be conducted.

## V.

That by the explanatory minute aforesaid the said Warren Hastings doth further, in the most direct manner, contradict his own assertions, in the very letter which enclosed the said minute to his colleagues; for that one of the articles to which he there gave *"an instant and unqualified assent, as no less to our interest than the Vizier's,"* he doth here declare unequivocally to be *neither to our interest nor the Vizier's*; and the *"unqualified assent"* given to the said article is now so *qualified*, as wholly to defeat itself. That by such irreconcilable contradictions the said Hastings doth incur the suspicion of much criminal misrepresentation in other like cases of unwitnessed conferences; and in the present instance (as far as it extends) the said Hastings doth prove himself to have given an account both of his actions and motives, by his own confession untrue, for the purpose of deceiving his employers, which is an high crime and misdemeanor in a servant of so great trust.

## VI.

That the said third article of the treaty of Chunar, as it thus stands explained by the said Hastings himself, doth on the whole appear designed to hold the protection of the Company in suspense; that it acknowledges all right of interference to cease, but leaves it to our discretion to determine when it will suit our conveniency to give the Vizier the liberty of acting on the principles by us already admitted: that it is dexterously constructed to balance the desires of one man, rapacious and profuse, against the fears of another, described as *"of extreme pusillanimity, and wealthy:"* but that, whatever may have been the secret objects of the artifice and intrigue confessed to form its very essence, it must on the very face of it necessarily implicate the Company in a breach of faith, whichever might be the event, as they must equally break their faith, either by withdrawing their guarantee unjustly, or by continuing that guarantee, in contradiction to this treaty of Chunar; that it thus tends to hold out to India, and to the whole world, that the public principle of the English government is a deliberate system of injustice, joined with falsehood, of impolicy, of bad faith, and treachery; and that the said article is therefore in the highest degree derogatory to the honour, and injurious to the interests of this nation.

## CONSEQUENCES of the TREATY of CHUNAR.

## I.

THAT in consequence of the treaty of Chunar, the Governor General, Warren Hastings, did send official instructions, respecting the various articles of the said treaty, to the said Resident Middleton; and that in a Postscript, the said Hastings did forbid the resumption of the Nabob Fyzoola Cawn's Jaghire, *"until circumstances may render it more expedient,"* and



“ and easy to be attempted, than the present more material pursuits of Government make it appear ;” thereby intimating a positive limitation of the indefinite term in the explanatory minute above recited ; and confining the suspension of the article to the pressure of the war.

## II.

That soon after the date of the said instructions, and within two months of the signature of the treaty of Chunar, the said Hastings did cause Sir Elijah Impey, Knight, his Majesty's Chief Justice at Fort William, to discredit the justice of the Crown of Great Britain, by making him the channel of unwarrantable communication ; and did, through the said Sir Elijah, signify to the Resident Middleton, his (the said Hastings's) “ approbation of a *subsidy* from “ Fyzoola Cawn.”

## III.

That the Resident, in answer, represents the proper equivalent for 2,000 horse, and 1,000 foot (the forces offered to Mr. Johnson by Fyzoola Cawn) to be twelve lacks, or £.120,000 sterling, and upwards, each year : which the said Resident supposes is considerably beyond what he (Fyzoola Cawn) *will voluntarily pay* : “ However, if it is your wish that the claim “ should be made, I am ready to take it up, and, *you may be assured, nothing in my power shall “ be left undone, to carry it through.*”

## IV.

That the reply of the said Hastings doth not appear ; but that it does appear on record, that “ a negociation (Mr. Johnson's) was begun for Fyzoola Cawn's cavalry to act with General “ Goddard, and on his (Fyzoola Cawn's) *evading it, that a sum of money was demanded.*”

## V.

That in the months of February, March, and April, the Resident Middleton did repeatedly propose the resumption of Fyzoola Cawn's Jaghire, agreeably to the treaty of Chunar ; and that, driven to extremity (as the said Hastings supposes) “ by the public menaces and denun- “ ciations of the Resident and Minister,” Hyder Beg Cawn, a creature of the said Hastings (and both the Resident and Minister acting professedly on and under the treaty of Chunar) “ the Nabob Fyzoola Cawn made such preparations, and such a disposition of his family and “ wealth, as evidently manifested either an intended or an *expected rupture.*”

## VI.

That on the 6th of May the said Hastings did send his confidential Agent and friend, Major Palmer, on a private commission to Lucknow ; and that the said Palmer was charged with secret instructions relative to Fyzoola Cawn, but of what import cannot be ascertained, the said Hastings in his public instructions having inserted only the name of Fyzoola Cawn, as a mere reference (according to the explanation of the said Hastings) to what he had verbally communicated to the said Palmer ; and that the said Hastings was thereby guilty of a criminal concealment.

## VII.

That some time about the month of August, an engagement happened between a body of Fyzoola Cawn's cavalry and a part of the Vizier's army, in which the latter were beaten, and their guns taken ; that the Resident Middleton did represent the same but as a slight and accidental affray : That it was acknowledged the troops of the Vizier were the aggressors ; that it did appear to the Board, and to the said Hastings himself, an affair of more considerable magnitude, and that they did make the concealment thereof an article of charge against the Resident Middleton, though the said Resident did in truth acquaint them with the same, but in a cursory manner.

## VIII.

That immediately after the said “ fray” at Daranagur, the Vizier (who was “ but a “ cypher in the hands” of the Minister and the Resident, both of them directly appointed and supported by the said Hastings) did make of Fyzoola Cawn a new demand, equally contrary to the true intent and meaning of the treaty, as his former requisitions : which new demand  
was



was, for the detachment in garrison at Daranagur to be cantoned, as a stationary force at Lucknow, the capital of the Vizier; whereas he (the Vizier) had only a right to demand an occasional aid to join his army in the field, or in garrison during a war. But the said demand being *evaded*, or rather refused, agreeably to the fair construction of the treaty by the Nabob Fyzoola Cawn, the matter was for the present dropped.

## IX.

That in the letter, in which the Resident Middleton did mention “ what he calls the fray” aforesaid, the said Middleton did again apply for the resumption of the Jaghire of Rampore; and, that the objections against the measure being now removed (by the separate peace with Scindia) he desired to know if the Board “ would give assurances of their support to the Vizier, in case, *which* (says the Resident) *I think very probable, his* (the Vizier’s) *own strength should be found unequal to the undertaking.*”

## X.

That although the said Warren Hastings did make the foregoing application a new charge against the Resident Middleton, yet the said Hastings did only criminate the said Middleton for a proposal, tending “ at such a crisis to increase the number of our enemies;” and did in no degree, either in his articles of charge or in his accompanying minutes, express any disapprobation whatever of the principle; that in truth the whole proceedings of the said Resident were the natural result of the treaty of Chunar: that the said proceedings were, from time to time, communicated to the said Hastings. That as he nowhere charges any disobedience of orders on Mr. Middleton with respect to Fyzoola Cawn, it may be justly inferred that the said Hastings did not interfere to check the proceedings of the said Middleton on that subject; and that by such criminal neglect the said Hastings did make the guilt of the said Middleton, whatever it might be, his own.

---

## Pecuniary Commutation of the stipulated Aid.

## I.

**T**HAT on the charges, and for the misdemeanors above specified, together with divers other accusations, the Governor General, Warren Hastings, in September, 1782, did remove the aforesaid Middleton from his office of Resident at Owde, and did appoint thereto John Bristow, Esquire, whom he had twice before, without cause, recalled from the same; and that about the same time the said Hastings did believe the mind of the Nabob Fyzoola Cawn to be so irritated, in consequence of the above recited conduct of the late Resident Middleton, and of his (the said Hastings’s) own criminal neglect, that he the said Hastings found it necessary to write to Fyzoola Cawn, assuring him “ of the favourable disposition of the Government toward him while he shall not have forfeited it by any improper conduct.” But that the said assurances of the Governor General did not tend, as soon after appeared, to raise much confidence in the Nabob, over whom a public instrument of the same Hastings was still holding the terrors of a deprivation of his Jaghire, and an exile “ among his other faithless brethren across “ the Ganges.”

## II.

That on the subject of Fyzoola Cawn, the said Hastings, in his instructions to the new Resident, Bristow, did leave him to be guided by his own discretion; but (he adds) “ be careful “ to prevent the Vizier’s affairs from being involved with new difficulties, while he has already “ so many to oppress him;” thereby plainly hinting at some more decisive measures, whenever the Vizier should be less oppressed with difficulties.

## III. That



### III.

That the Resident Bristow, after acquainting the Governor General with his intentions, did under the said instructions, renew the aforesaid claim for a sum of money, but with much caution and circumspection, distanty sounding Allif Cawn, the Vakeel (or Envoy) of Fyzoola Cawn, at the Court of the Vizier: that “Allif Cawn wrote to his master on the subject, and in answer he was directed not to agree to the granting of pecuniary aid.

### IV.

That the Resident Bristow did then openly depute Major Palmer aforesaid, with the concurrence of the Vizier, and the approbation of the Governor General, to the Nabob Fyzoola Cawn, at Rampore; and that the said Palmer was to “endeavour to convince the Nabob, that all doubts of his attachment to the Vizier, are ceased; and whatever claims may be made on him, are founded upon the basis of his interest and advantage, and a plan of establishing his right to the possession of his Jaghire.” That the sudden ceasing of the said doubts, without any enquiry of the slightest kind, doth warrant a strong presumption of the Resident’s conviction that they never really existed, but were artfully feigned, as a pretence for some harsh interposition; and that the indecent mockery of establishing, as a matter of favour for a pecuniary consideration, rights which were never impeached but by the treaty of Chunar (any instrument recorded by Warren Hastings himself to be founded on falsehood and injustice) doth powerfully prove the true purpose and object of all the duplicity, deceit, and double-dealing, with which that treaty was projected and executed.

### V.

That the said Palmer was instructed by the Resident Bristow, with the subsequent approbation of the Governor General, to obtain from Fyzoola Cawn *an annual tribute*;” to which the Resident adds: “If you can procure from him, over and above this, a *pescush* (or fine) of at least five lacks, it would be rendering an essential service to the Vizier, and add to the confidence his Excellency would hereafter repose in the attachment of the Nabob Fyzoola Cawn.”

And that the said Governor General Hastings, did give the following extraordinary ground of calculation as the basis of the said Palmer’s negotiation for the annual tribute aforesaid,

“It was certainly understood at the time the treaty was concluded (of which this stipulation was a part) that it applied *solely to cavalry*: as the Nabob Vizier possessing the service of our forces, could not possibly require infantry, and least of all such infantry as Fyzoola Cawn could furnish; and a single horseman included in the aid which Fyzoola Cawn might furnish, would prove a literal compliance with the said stipulation. The number therefore of horse implied by it, ought at least to be ascertained: *We will suppose five thousand*, and allowing the exigency for their attendance to exist only in the proportion of *one year in five*, reduce the demand to one thousand for the computation of the subsidy, which at the rate of *fifty rupees per man* will amount to fifty thousand per annum. This may serve for the basis of this article in the negotiation upon it.

### VI.

That the said Warren Hastings doth then continue to instruct the said Palmer, in the alternative of a refusal from Fyzoola Cawn,

“If Fyzoola Cawn shall refuse to treat for a subsidy, and claim the benefit of his original agreement in its literal expression, *he possesses a right which we cannot dispute*, and it will in that case remain only to fix the precise number of horse which he shall furnish, which ought at least to exceed 2,500.”

### VII.

That in the above-recited instruction, the said Warren Hastings doth insinuate (for he doth not directly assert)

1st. That we are entitled by treaty to 5,000 troops; which he says were undoubtedly intended to be all cavalry.



2d. That the said Hastings doth then admit, “ that” a single horseman, included in the aid furnished by Fyzoola Cawn, would prove a literal compliance.

3d. That the said Hastings doth next resort again to the supposition of our right to the whole 5,000 cavalry.

4th. That the said Hastings doth afterwards think, in the event of an explanation of the treaty, and a settlement of the proportion of cavalry, instead of a pecuniary commutation, it will be all we can demand, that the number should *at least exceed* 2,500.

5th. That the said Hastings doth, in calculating the supposed time of their service, assume an arbitrary estimate of one year of war to four of peace; which (however moderate the calculation may appear on the average of the said Hastings’s own government) doth involve a principle in a considerable degree repugnant to the system of perfect peace, inculcated in the standing orders of the Company.

6th. That in estimating the pay of the cavalry to be commuted, the said Hastings doth fix the pay of each man at 50 rupees a month; which on 5,000 troops, all cavalry (as the said Hastings supposes the treaty of Lail-Dang to have meant) would amount to an expence of 30 lacks a year, or between 300,000l. or 400,000l. And this expence, strictly resulting (according to the calculations of the said Hastings) from the intention of Sujah ul Dowlah’s grant to Fyzoola Cawn, was designed to be supported out of a jaghire, valued at 15 lacks only, or something more than 150,000l. of yearly revenue, just half the amount of the expence to be incurred in consideration of the said jaghire.

And that a basis of negotiation so inconsistent, so arbitrary, and so unjust, is contrary to that uprightness and integrity, which should mark the transactions of a great state, and is highly derogatory to the honour of this nation.

## VIII.

That notwithstanding the seeming moderation and justice of the said Hastings, in admitting the clear and undoubted right of Fyzoola Cawn to insist on his treaty, the head of instruction immediately succeeding doth afford just reason for a violent presumption, that such apparent lenity was but policy, to give a colour to his conduct; he the said Hastings, in the very next paragraph, bringing forth a new engine of oppression, as follows:

“ To demand the surrender of all the ryots (or peasants) of the Nabob Vizier’s dominions, to whom Fyzoola has given protection and service, *or an annual tribute, in compensation for the loss sustained by the Nabob Vizier in his revenue, thus transferred to Fyzoola Cawn.*

“ You have stated the encrease of his jaghire, occasioned by this act, at the moderate sum of fifteen lacks. *The tribute ought at least to be one third of that amount.*

“ We conceive that Fyzoola Cawn himself may be disposed to yield to the preceding demand, on the additional condition of being allowed to hold his lands in ultumgaw (or an inheritable tenure) instead of his present tenure by jaghire (or a tenure for life). This we think the Vizier can have no objection to grant, and we recommend it; *but for this a fine or peshcush ought to be immediately paid in the customary proportion of the Jumma, estimated at 30 lacks.*

## IX.

That the Resident Bristow (to whom the letter, containing Major Palmer’s instructions, is addressed) no where attributes the increase of Fyzoola Cawn’s revenues to this protection of the fugitive ryots, subjects of the Vizier: That the said Warren Hastings was, therefore, not warranted to make that a pretext of such a peremptory demand: That as an inducement to make Fyzoola Cawn agree to the said demand, it is offered to settle his lands upon a tenure, which would secure them to his children; but that settlement is to bring with it a new demand of a fine of thirty lacks, or 300,000l. and upwards: That the principles of the said demand are violent and despotic, and the inducement to acquiescence deceitful and insidious; and that both the demand and the inducement are derogatory to the honour of this nation.

X. That



## X.

That Major Palmer aforesaid proceeded under these instructions to Rampore, where his journey "to extort a sum of money," was previously known, from Alliff Cawn, Vakeel of Fyzoola Cawn, at the Vizier's court; and that, notwithstanding the assurances of the friendly disposition of government, given by the said Hastings as is hereinafter related) the Nabob Fyzoola Cawn did express the most serious and desponding apprehensions, both by letter and through his vakeel, to the Resident Bristow, who represents them to Major Palmer in the following manner:

"The Nabob Fyzoola Cawn complains of the distresses he has this year suffered from the drought. The whole collections have, with great management, amounted to about two've lacks of rupees, from which sum he has to support his troops, his family, and several relations and dependents of the late Rohilla Chiefs. *He says, it clearly appears to be intended to deprive him of his country, as the high demand you have made of him is inadmissible.* Should he have assented to it, it would be impossible to perform the conditions, and then his reputation would be injured by a breach of agreement. *Alliff Cawn further represents, that it is his master's intention, in case the demand should not be relinquished by you, first to proceed to Lucknow, and then to propose having an interview with the Vizier and the Resident; if he should not be able to obtain his own terms for a future possession of his jaghire, he will set off for Calcutta, in order to pray for justice from the Honourable the Governor General.* He observes, it is the custom of the Honourable Company, when they deprive a Chief of his country, to grant him some allowance. This he expects from Mr. Hastings's bounty; *but if he should be disappointed, he will certainly set off upon a pilgrimage to Mecca and Medina, and renounce the cares of the world.*"

"He directs his Vakeel to ascertain whether the English intend to deprive him of his country; for if they do, he is ready to surrender it, upon receiving an order from the Resident.

## XI.

That after much negotiation, the Nabob Fyzoola Cawn, "being fully sensible that an engagement to furnish military aid, *however clearly the conditions might be stated, must be a source of perpetual misunderstanding and inconveniencies,*" did at length agree with Major Palmer to give fifteen lacks, or 150,000l. and upwards, by four instalments, that he might be exempted from all future claims of military service: That the said Palmer represents it to be his belief, *that no person not known to possess your (the said Hastings's) confidence and support in the degree that I am supposed to do, would have obtained nearly so good terms;*" but from what motive *terms so good*" were granted, and how the confidence and support of the said Hastings did truly operate on the mind of Fyzoola Cawn, doth appear to be better explained by another passage in the same letter, where the said Palmer congratulates himself on the *satisfaction which he gave to Fyzoola Cawn in the conduct of this negociation, as he spent a month in order to effect "by argument and persuasion, what he could have obtained in an hour by threats and compulsions.*

## Full Vindication of Fyzoola Cawn, by Major Palmer and Mr. Hastings.

## I.

**T**HAT in the course of the said negociation for establishing the rights of the Nabob Fyzoola Cawn, Major Palmer aforesaid did communicate to the Resident Bristow, and through the said Resident to the Council General of Bengal, the full and direct denial of the Nabob Fyzoola Cawn to all and every of the charges made or pretended to be made against him, as follows:

"Fyzoola Cawn persists in denying the infringement on his part of any one article in the treaty, or the neglect of any obligation which it imposed upon him.

"He



“ He does not admit of the *improvements reported to be made* in his jaghire, and even asserts, “ that the collections this year will fall short of the original jumma (or estimate) by reason “ of the long drought.

“ He denies having exceeded the limited number of Rohillas in his service;

“ And having refused the required aid of cavalry, made by Johnson, to act with General “ Goddard.

“ He observes, respecting the charge of evading the Vizier’s requisition for the cavalry, “ lately stationed at Daranagur, to be stationed at Lucknow, that he is not bound by treaty to “ maintain a stationary force for the service of the Vizier, but to supply an aid of 2,000 or “ 3,000 troops in time of war.

“ Lastly, he asserts, that so far from encouraging the ryots (or peasants) of the Vizier to “ settle in his jaghire, it has been his constant practice to deliver them up to the Aumil of “ Rohilcund, whenever he could discover them.”

## II.

That in giving his opinions on the aforesaid denials of the Nabob Fyzoola Cawn, the said Palmer did not controvert any one of the constructions of the treaty advanced by the said Nabob.

That although the said Palmer, “ from general appearances as well as universal report, did “ not doubt that the jumma of the jaghire is *greatly increased*,” yet he, the said Palmer, did not intimate, that it was increased in any degree near the *amount reported*, as it was drawn out in a regular estimate, transmitted to the said Palmer expressly for the purposes of his negotiation; which was of course by him produced to the Nabob Fyzoola Cawn, and to which specifically the denial of Fyzoola Cawn must be understood to apply.

That the said Palmer did not hint any doubt of the deficiency affirmed by Fyzoola Cawn, in the collections for the current year: And,

That if any increase of jumma did truly exist, whatever it may have been, the said Palmer did acknowledge it “ to have been solemnly relinquished (in a private agreement) by the “ Vizier.”

That although the said Palmer did suppose the number of Rohillas (employed “ in ordinary “ occupations) in Rampore alone, to exceed that limited by the treaty, for his (Fyzoola “ Cawn’s) service;” yet the said Palmer did by no means imply that the Nabob Fyzoola Cawn *maintained in his service* a single man more than was allowed by treaty; and by a particular and minute account of the troops of Fyzoola Cawn, transmitted by the Resident Bristow to the said Palmer, the number was stated but at 5,840, probably including officers, who were not understood to be comprehended in the treaty.

That the said Palmer did further admit it “ to be not clearly expressed in the treaty, whether “ the restriction included Rohillas of all descriptions;” but at any rate, he adds, “ it does “ not appear that their number is formidable; or that he (Fyzoola Cawn) *could by any means “ subsist such numbers as could cause any serious alarm to the Vizier*; neither is there any appearance “ of their entertaining any views beyond the quiet possession of the advantages which they at “ present enjoy.”

And that in a subsequent letter, in which the said Palmer thought it prudent “ to vindicate “ himself from any possible insinuation that he meant to sacrifice the Vizier’s interest,” he the said Palmer, did positively attest the new claim on Fyzoola Cawn for the protection of the Vizier’s ryots to be wholly without foundation; as the Nabob Fyzoola Cawn “ had proved to “ him (Palmer) by producing receipts of various dates, and for great numbers of these people “ surrendered upon requisition from the Vizier’s officers.”

## III.

That, over and above the aforesaid complete refutation of the different charges and pretexts under which exactions had been practised, or attempted to be practised, on the Nabob Fyzoola Cawn, the said Palmer did further condemn, altogether, the principle of calculation assumed in such exactions (even if they had been founded in justice) by the following explanation of the nature



nature of the tenure, by which, under the treaty of Lall-Dang, the Nabob Fyzoola Cawn held his possessions as a jaghiredar.

“ There are no precedents in the ancient usage of the country for ascertaining the nuzzerana (customary present) or peeschush (regular fine) of grants of this nature: *they were bestowed by the Prince as rewards or favours*; and the accustomed present in return was adapted to the dignity of the donor, rather than to the value of the gift; *to which it never, I believe, bore any kind of proportion.*”

#### IV.

That a sum of money (“ which of course was to be received by the Company”) being now obtained, and the “ *interests both of the Company and the Vizier*” being thus much “ *better promoted*” by “ *establishing the rights*” of Fyzoola Cawn, than they could have been by “ *depriving him of his independency*,” when every undue influence of secret and criminal purposes was removed from the mind of the Governor General, Warren Hastings, Esquire, he, the said Hastings, did also concur with his friend and agent, Major Palmer, in the vindication of the Nabob Fyzoola Cawn, and in the most ample manner.

That the said Warren Hastings did now clearly and explicitly understand the clauses of the treaty, “ That Fyzoola Cawn should send *two or three* (and not *five*) thousand men, or attend *in person, in case it was requisite.*”

That the said Warren Hastings did now confess, that the right of the Vizier, under the treaty, was at best “ *but a precarious and unserviceable right*; and that he thought 15 lacks, or 150,000*l.* and upwards, an ample equivalent” (or, according to the expression of Major Palmer, *an excellent bargain*) as in truth it was, “ for expunging an article of such a tenor, and so loosely worded.” And finally, that the said Hastings did give the following description of the general character, disposition, and circumstances of the Nabob Fyzoola Cawn:

“ The rumours which had been spread of his hostile designs against the Vizier were totally groundless; and if he had been inclined, he had not the means to make himself formidable; on the contrary, being in the decline of life, and possessing a very fertile and prosperous jaghire, it is more natural to suppose that Fyzoola Cawn wishes to spend the remainder of his days in quietness, than that he is preparing to embark in active and offensive scenes, which must end in his own destruction.”

#### V.

Yet that, notwithstanding this virtual and implied crimination of his whole conduct toward the Nabob Fyzoola Cawn, and after all the aforefaid acts, systematically prosecuted in open violation of a positive treaty, against a prince who had an hereditary right to more than he actually possessed, for whose protection the faith of the Company and the nation was repeatedly pledged, and who had deserved and obtained the public thanks of the British Government, when, in allusion to certain of the said acts, the Court of Directors had expressed to the said Hastings their wishes, “ to be considered rather as the guardians of the honour and property of the native powers, than as the instruments of oppression;” he, the said Hastings, in reply to the said Directors, his masters, did conclude his official account of the final settlement with Fyzoola Cawn, with the following indecent, because unjust exultation:

“ Such are the measures which we shall ever wish to observe towards our allies or dependents upon our frontiers.”



## HOUSE OF COMMONS.

MAY 9.

**MAJOR SCOTT** said, he had a Petition to present from Mr. Hastings, who prayed to be heard against the Twenty-second Charge, delivered in by Mr. Burke on Friday last, which, if he understood the Right Honourable Gentleman correctly, was the last to be delivered. The Major said, before he brought up the Petition, he begged to give notice, that as the Right Honourable Gentleman had called for a number of witnesses, several of whom, on finding their evidence would not be such as he had expected, the Right Honourable Gentleman had told, he should not call; that he should desire those gentlemen might be called to the bar, as he had reason to believe, their testimony would tend to refute the last Charge, and also to explain the affair at Benares, and to prove that the Begums had always been rebelliously inclined.

Mr. Burke said, that the Honourable Gentleman had suggested something that was true, mixed with some misrepresentation; he rose therefore to separate the truth from the misrepresentation. With regard to receiving the Petition, or complying with the prayer of it, he could not have the smallest objection to either. It was true, undoubtedly, that he had moved for several witnesses to be summoned, some of whom he meant not to examine; and the reason was, he was not so idle and absurd as to call witnesses to the Bar to begin with a cross examination of them. As to the evidence not being what he expected, when he called for them at first, he had expressly told the House, he knew not one of them. He had moved for all that he was able to learn had been in India, to support him in his call upon the justice of that House, to assist in bringing to an exemplary punishment, those who had first robbed the Begums, those reverend antient Princesses, and afterwards endeavoured to cover the guilt of the robbery by inventing and urging most false, calumnious charges against them. Mr. Burke, warmed with the mention of the Begums, loudly and emphatically exclaimed against acts of such apparent enormity. With regard to his having originally called for witnesses, whose testimony afterwards appeared to be unnecessary, he said it was extremely difficult to learn who could, or who could not give any useful evidence respecting the affairs of India, which was not to be considered as a Colony consisting of the Governed and the Governors, but there having been but two descriptions of characters in India, the Sufferers and the Oppressors.

Major Scott denied that Mr. Burke had given one word of answer to his speech. The Major repeated what he had said, and declared he held a curious paper in his hand, containing an account of a conversation that had taken place between the Right Honourable Gentleman and one of the witnesses, whom he had interrogated and found not likely to answer his purpose; if it were not contrary to order, the Major said, he would read it to the House.

Mr. Burke rose again, and said, he had spoken publicly in the room behind the clock, the smoking room (as it was called) to one of the witnesses, who was called Captain Williams, and having learnt from him that he had not been in the part of India to which his Charge referred, at the time that the facts alledged had happened, he had discharged him. Another witness (Colonel Gardner) he was concerned to have received a letter from, stating, that he had arranged his papers for the examination, and meant to have attended; but that his fever had returned, and he was unable to do so. Other gentlemen had likewise desired to be excused, as, they said, they either could give no information relative to the criminal facts, or that their evidence would go against the prosecution. To all such witnesses, Mr. Burke said, he had told them he would not trouble them.

Major Scott said, the paper in his hand gave a direct contrary account of Captain Williams's evidence.

An altercation here took place between the Major and Mr. Burke, which, after each had been up two or three times more, was at length interfered in by the Chancellor of the Exchequer and Mr. Fox, and ultimately put a stop to by the Chair, when the order of the day and the



the order for the Speaker leaving the Chair, having been read and agreed to, Major Marfac was called to the Bar, and the Committee proceeded to examine him touching the matters in charge.

---

M A Y II.

NOTICE having been given that Warren Hastings, Esquire, was attending, he was brought to the Bar, and, after thanking the House for that fresh instance of their indulgence, informed the House that he held in his hand his answer to the 22d Charge; but as he had only had since Monday to prepare it, his whole time that he could spare from rest had been taken up in the preparation of its contents, in consequence of which, being extremely fatigued, he intreated to have permission to deliver it in.

He was desired to withdraw, and, upon motion, (by the Chancellor of the Exchequer) it was resolved, that Mr. Hastings's answer to the 22d Charge should be delivered to the Clerk, that it might be brought to the table.

Mr. Hastings being again called in, was informed of the pleasure of the House, and delivered his answer accordingly.

Major Scott then moved, that the said answer be referred to the Committee, to whom the other papers on the same subject had been referred, and that it be printed.

---

The Minutes of what was offered by Warren Hastings, Esquire, late Governor General of Bengal, at the Bar of the House of Commons, upon the Matter of the Charge of High Crimes and Misdemeanors, presented against him on the 5th of May, 1786.

ANSWER TO THE TWENTY-SECOND CHARGE.

*F Y Z O O L A C A W N.*

**T**HIS charge was not delivered to me till late on the 8th instant; and I was informed yesterday morning, that in compliance with the prayer of my petition, to be heard in reply to it, this Honourable House had been pleased to direct my attendance on this day. I most respectfully allude to the short interval of time allowed me for this purpose, not as indicating the slightest ground of complaint; for I accept with equal gratitude the permission to appear in my own defence, and the early allowance of my attendance, it being, next to my entire acquittal, my first wish to obtain a speedy termination of the enquiry. But it is proper to represent to this Honourable House the just plea which I may have for any deficiency of my defence to this last article of the charge, arising from the want of sufficient time to examine every part of it; every part of it containing some positive or insinuated, but not always a discoverable charge; and the whole comprizing no less than 21 folio pages. These have furnished



nifted me with employment for one third of my allotted portion of time to read, to analyse, and to understand so much as I do understand of them, much of their sense being dissipated by nice and subtle distinctions, and obscured by allusions which I have not leisure to trace to their documents, and perplexed by forced inferences; and the introduction of other charges, which are totally foreign from the subject; such as, that I assumed "an illegal delegation of the whole powers of the Governor General and Council, in July 1781,"—"that I reflected discredit to the Crown of Great Britain, by a private conversation with Sir Elijah Impey," and many other lateral accusations and insinuations of the like extraneous quality.

All such matters, as of inferior note, I shall pass without more observation upon them, trusting to the spirit of liberal justice which I have already experienced from this Honourable House for my general acquittal of these minuter charges, if in the main points I shall appear to have consulted the interest, honour, and safety of my employers; and that I could have had no view to my own interest in the proceedings which have a relation to the charge, as in effect no such view is or could have been imputed to me in it.

The charge consists of eight titled chapters or divisions, and these subdivided altogether into seventy-nine distinct and numbered positions.

The first chapter is intituled "Rights of Fyzoola Cawn, &c. before the treaty of Lall-Dang."

This I shall examine minutely, as it will serve to prove what I have asserted of the general character of the whole composition; and I will shew to this Honourable House, that in twelve positions or affirmations, of which it consists, it contains as many assertions, or implications of facts, which have no foundation in truth.

1st. The first position states, that Ally Mahmud, the father of Fyzoola Cawn, was the Sovereign of Cuttcher or Rohilcund; and by ascribing to him a "renown in the history of Hindostan," it must have been intended to convey the conclusive opinion, that he inherited his Sovereignty from a line of ancestors who held it before him.

Both points are false in fact. Ally Mahmud was not the Sovereign of Cuttcher or Rohilcund, but the usurper of that Province, which he originally acquired as a servant of the Crown, and converted into an independency by repeated acts of rebellion against his lawful master and Sovereign; and his father, Daood Cawn (I think that was his name) had no authority or footing in that country.

2d. The second position states in terms, the Province of Cuttcher to be the "ancient estates," and the "hereditary rights," of Fyzoola Cawn, which I again assert to be false in fact. These words are indeed borrowed from translations of letters from Fyzoola Cawn to Colonel Champion; but I have doubts, which I have a right to express, of the fidelity of the translation; and even if it be genuine, it is but the assertion of Fyzoola Cawn himself in favour of his own cause, which cannot be admitted in evidence of it; and the evidence against it abounds in the records of the Company, which are before this Honourable House, and on undoubted notoriety.

3d. In this position he is again, a third time, stated "the undoubted heir of his father's authority;" which, as the chapter itself is entitled "rights," and these can only mean rights of which my conduct was a violation, is untrue in that sense of it.

4th. This position states again (the 4th time) the country in question to be "his ancient possessions, the country of his father;" and it states by implication that he was innocent of the war; yet the third position has admitted, that "the Nabob Fyzoola Cawn, with some of his people, was present at the decisive battle of St. George, but escaping from the slaughter (a word also of false insinuation) made his retreat good towards the mountains, with all his treasure," and "there collected the scattered remains of his countrymen;" that is, for so it was, still continued the war against us in chief.—Both assertions cannot be true.

5th. This states in terms, that I rejected a specific offer, by which, if accepted, an annual increase of near £.400,000 would have accrued to the revenue of our ally, and the immediate acquisition of £.300,000 to the Company, which is not true; for no consequences can be more remote from their premises, than that the performance of so extravagant an offer would have followed the acceptance of it, when it appears in proof before this Honourable House, that a most sacred engagement of the whole Rohilla tribe before the war, was insufficient to bind them



them to the payment of little more than half the sum which Fyzoola Cawn offered to pay for the possession of the country after the war. In effect, the extravagance of the offer was a clear proof of the insincerity of the man who made it, and so I treated it.

6th. This seems to be a charge of deception; for it states, "that so great was the confidence of the Nabob Fyzoola Cawn in the just, humane, and liberal feelings of Englishmen, as to lull him into an inactivity of the most essential detriment to his interests;" and this effect is displayed by a detail of what he might have done; which the charge affirms "would have enabled him certainly to baffle all pursuit, and probably to keep the Vizier in a state of disquietude for the remainder of his life." Now either it is insinuated by this state of facts, that I, by some act or declaration, did deceive or lull him (as it is expressed) into this inactivity; or it simply affirms that he deceived himself. If the former is meant, I deny the fact; and it is refuted by the whole tenor of Colonel Champion's correspondence; if the latter, Fyzoola Cawn only is to blame for the neglect of his own interests. And why is this inserted in an accusation against me? Why, but to mislead the unwary attention, by the artful involution of consequences dependant on another, with expectations that might be inferred to have arisen from me. As to the deception itself, from whomsoever it proceeded, since I had no concern in it, I should be most heartily glad of it, if it were really true, that it prevented him "from keeping the Vizier in a state of disquietude for the remainder of his life;" for the British interests would have been equally injured and endangered by it; and it was not my duty to awake the vigilance of an enemy in arms against us, or to apprize him of the advantages of which he might avail himself to our detriment.

7th. If I understand this, it means that Colonel Champion's proposal of peace with Fyzoola Cawn was essentially necessary to the reputation of the British justice and humanity, which I sacrificed by my hesitation to agree to it. I may safely deny this allegation, since the first proposition is not attempted to be proved; nor, if it were proved, would the latter follow as a consequence of it. We had certainly a right to continue our operations against an enemy in actual war with us, if we could not agree on the conditions of accommodation.

8th. In this position the conduct of the Commander in Chief is decorated with all the gaudy epithets of panegyric, to make my character appear the blacker by the contrast. I crave leave to quote the whole passage as it stands—"That in answer to such laudable wish of the said Commander in Chief, the President (Warren Hastings) preferring his own prohibited plans of extended dominion to the mild, equitable, and wise policy inculcated in the standing orders of his Superiors, and now enforced by the recommendation of the Commander in Chief, did instruct and desire him, the said Commander in Chief, instead of soliciting the Vizier to relinquish his conquest to Fyzoola Cawn, to discourage it, as much as it was in his power," although the said Hastings did not once express, or even intimate, any doubt whatever of the Nabob Fyzoola Cawn's innocence as to the origin of the war, or of his hereditary right to the territory which he claimed; but to the said pleas of the Nabob Fyzoola Cawn, as well as to the argument both of policy and justice, advanced by the Commander in Chief, he the said Hastings did solely oppose certain speculative objects of imagined expediency; summing up his decided rejection of the proposals made by the Nabob Fyzoola Cawn, in the following remarkable words:

"With respect to Fyzoola Cawn, he appears not to merit our consideration. The petty Sovereign of a country estimated at six or eight lacks ought not for a moment to prove an impediment to any of our measures, or to affect the consistency of our conduct."

To this complicated charge I am compelled to make a larger reply than such as were required by the preceding positions, as it involves a greater variety of matter, and some foreign from the subject. I presume that the allusion here made to the standing orders of the Company, prohibiting plans of extended dominion, and my disobedience to them, have no proper place in this charge, but belong exclusively to the first article of the charge, namely, the Rohilla war; in my answer to which I have said all that was necessary for me to urge on the subject. I have also endeavoured in the same place to prove, and I think I have proved, both the justice and policy of the war undertaken with the Rohillas. These are points which I claim to be allowed me in the present charge, because either they are already proved, or they must operate to my condemnation throughout the whole course of the war, and cannot apply further than the general charge itself to any part of my transactions with Fyzoola Cawn. But if the war was consistent with the principle of justice, it was also allowable by the laws of war, and it became my duty, so far as I was the director of it, to prosecute it to the attainment of its professed purposes, or of others equivalent to them, or as nearly equivalent as I could obtain. The Commander in Chief was desirous of concluding a peace with Fyzoola Cawn, and leaving him in possession of a part of the country for which we were contending. I was of a different opinion; an opinion not speculative,



speculative, as it is described, but obligatory by the principles of consistency, to which I have ever adhered as a primary rule of conduct, and by the terms to which I myself had exacted the compliance of the Nabob Sujah ul Dowlah, before I would suffer the Company to be a party to the war, namely, that if we were once engaged in it, we should not desist till we had accomplished the total reduction of the country—as will be seen by my letter to the Nabob Sujah ul Dowlah, entered in Consultation of the 22d November, 1773, and in the Appendix to the fifth Report of the Secret Committee, No. 24. It was not necessary that I should change my original plan, because the Commander in Chief recommended it, though this seems to be stated as a crime against me. Neither was it necessary for me, in a correspondence with the Commander in Chief, then the executive officer of the Board, not joined in their deliberations, to enter into a discussion of the original grounds of the war, or of the innocence of Fyzoola Cawn as to the origin of it, or his rights of inheritance, though my silence on these points is stated as an admission of them against myself. The use that is made of my letter to Colonel Champion is an instance of that unfair mode of quotation, of which I have already had too frequent occasion to complain in the other articles of the charge preferred against me. I shall therefore beg leave to trespass on the patience of this Honourable House, by inserting the letter at large, by which they will judge for themselves whether it deserves to be treated as a mere “opposition of certain speculative objects of imagined expediency to arguments of policy and justice.”

To Colonel Champion, &c.

“ Dear Sir,

“ I am now to reply to your letter dated the 28th of May. The following are my sentiments on the propositions which have been made to you by Abdureen Cawn on the part of Fyzoola Cawn: The first is not to be listened to; it would be a direct violation of our treaty with the Vizier.

“ The second must depend solely upon the Vizier; and if it is not agreeable to him, we could neither compel nor insist to his acceding to it.

“ The third is exactly the same with the second, with the difference only of offering money to the Company for influencing the Vizier; for which reason I would of the two prefer the second to the third, because such an agreement must become public, and a conduct of this kind would breed perpetual distrust in the Vizier against every future advice we should give him.

“ These are my particular objections to the several propositions; but I have one general objection to the whole of them, which is, that they are diametrically opposite to the principle on which the Rohilla expedition was on our part undertaken, which was not merely on account of the pecuniary acquisition of forty lacks of rupees to the Company; for although this might be an accessory argument, it was by no means the chief object of the undertaking.

“ We engaged to assist the Vizier in reducing the Rohilla country under his dominion, that the boundary of his possessions might be compleated, by the Ganges forming a barrier to cover them from the attacks and insults to which they were exposed by his enemies, either possessing or having access to the Rohilla country; this our alliance with him, and the necessity of maintaining this alliance, so long as he and his successors shall deserve our protection, rendered advantageous to the Company's interest, because the security of his possessions from invasions in that quarter is in fact the security of ours. But if the Rohilla country is delivered to Fyzoola Cawn, the advantages proposed from this measure will be totally defeated; the same objections from the Vizier will take place against him as against Hafez Rhamut; he will be actuated by the same principles of self-defence, and the same impressions of fear, to seek the protection of other powers against the Vizier, and of course will create the same jealousies and suspicions in the mind of the Vizier, with the additional and strong incentive to a mutual animosity, of an enormous debt, which probably Fyzoola Cawn will find no other means to get clear of, but by engaging in hostilities against the Vizier.

“ I cannot subscribe to your opinion of the Vizier being unable to maintain possession of the conquered country; it is at least certain that there is a much greater probability of his maintaining possession of it, supported by the resources of his hereditary dominions, and the credit of the English protection, even without our actual intervention, than that Fyzoola Cawn could maintain the possession of it; a man of no repute, without natural power or interest,  
and



and unprovided with every means of self-defence. The Board undertook the Rohilla expedition on a firm conviction, both that the Vizier would be able to maintain his conquest of it, and that it would make his other dominions more defensible for the reason before assigned; and with respect to myself, I declare, that if I had not been morally certain of the justness of this reasoning I would not have consented to enter upon the enterprize at all.

“ Upon the whole, my opinion is, that instead of soliciting the Vizier to relinquish his conquest to Fyzoola Cawn, every argument should be used to dissuade him from such an intention, and it is my desire that you will discourage it as much as is in your power. I make no doubt but, from the explanation I have given, you will be convinced both of the propriety of adhering to the principles laid down, and the necessity of acting with consistency. Excuse me for adding, that if we suffer our attention to be drawn off from our grand and principle design by every adventitious allurement that may present itself, our conduct must prove desultory, and we can adhere to no regular plan, nor propose any certain end to our pursuits.

“ You mention the necessity the Vizier will be under of constantly having a brigade of our troops with him, as an argument against his retaining the Rohilla country, which you have repeated in several of your letters, but I should be sorry to regard this circumstance in that light. It has always been my wish, it was a principal reason assigned by the Board to the Court of Directors for our joint undertaking with the Vizier, that a third part of our army should be constantly employed in his country; because it would keep them from losing discipline and vigour by inaction, would prove an encouragement to the officers and soldiers, would save the Company a very considerable expence, and perpetuate the dependence of the Vizier upon our alliance. This circumstance therefore cannot operate as an objection, since it is a principal advantage proposed by the administration to result from the measures they have adopted.

“ If it would have had any weight against the extension of the Vizier's territory, it would have prevented the undertaking entirely, and precluded you from the present command, and the honour you have acquired in it. I cannot suppose that you mean the reasoning which you have at present adopted on this subject as a reproach to the Board for having formed a design which, by your argument, must defeat itself, even with all the success that could attend it; but it is astonishing that this consideration should have escaped you, since, by the frequent reiteration of this argument, you have undoubtedly been casting the severest reflections on the measures of government, which, right or wrong, we must now maintain, and which I still think founded on the soundest policy, and I trust that the event will prove them so.

“ The Seiks are at too great a distance, and too much engaged in their own affairs, to give any material or lasting opposition to the Vizier; nor are the Mahrattas likely to get freed from their own internal divisions, or the effects of them, soon enough to renew their pretensions in the next season. But even although the reason for expecting a junction of the Seiks and Mahrattas with Fyzoola Cawn were well founded, neither this alarm on the one hand, nor the temptation of the 80 lacks on the other, ought to have a moment's influence with us to deviate from the line prescribed for the undertaking.

“ With respect to Fyzoola Cawn, he appeared not to merit our consideration. The petty sovereign of a country, estimated at six or eight lacks, ought not for a moment to prove an impediment to any of our measures, or to affect the consistency of our conduct. I own it was my original wish, that the King, or Nudjiff Cawn on his part, should have been included in the participation which has actually taken place of the Rohilla dominions, as it would quicken the issue of the war, obviate one source of competition, and still keep up the connection of interest between us and the King, and between the King and his Vizier. But my next wish was, and is, that the King and Vizier might be induced to accede to a new participation, by an exchange of the Doab, to be given to the King in lieu of the territory of Zebita Cawn.

“ If my memory does not deceive me, this plan was recommended by me to the Vizier in person, when the Rohilla expedition was first concerted at Benares, and I own, I wish it to take place; this you will observe is but a consequence of the original principle of completing the boundary of the Vizier's dominions.”

I shall not take up more of the time of the Honourable House on this letter than to observe that an accommodation of a different kind from that which was urged by Colonel Champion, did soon after take place, and that the Vizier's dominions ever since have continued in a state of uninterrupted



rupted peace, except from its internal disturbances; which I adduce as a proof both that the Rohilla war did completely fulfil my prediction of its effects, and that I was as well grounded in my perseverance in rejecting the proposal of placing it again under the charge of that dangerous tribe, which we had so happily expelled from it. Yet are we indebted entirely to the pacific disposition of Fyzoola Cawn, his infirm habit of body, and his laudable pursuits of husbandry, to which he has entirely devoted himself, for the quiet which the Nabob of Owde has enjoyed on a quarter so vulnerable; for small as that territory is, the chief of it may at all times invade the dominion of the Nabob of Owde, with an effect proportioned to the force with which it is attempted, and with an assurance of impunity in the last resort, from the unknown woods and mountains which lie behind it. The time may yet come, and that not far distant, which shall verify this description of the relative situation of the two countries.

9th. This position affirms, that in the violent and arbitrary position ascribed to the quotation made as above from my letter, "I did avow it to be a public principle of my government, that *no right however manifest, and no innocence, however unimpeached, could entitle the weak to our protection against others, or save them from our own active endeavours for their oppression* and even extirpation, should they interfere with our notions of political expediency." I dare not trust myself to comment on this extraordinary assertion, but appeal to the candour and justice of this Honourable House to determine, whether any words used by me in that letter on which it is professedly grounded, or whether, in all the compositions I have ever written, and which are before the Honourable House, I have ever been guilty of a sentiment so profligate as my accuser has herein imputed to me, without ever deigning to specify the words which he has stamped with so wicked a construction.

10th. This position affirms, that I wrote a private letter to the Commander in Chief, dated the 16th of September, "without the consent or knowledge of my colleagues," contradictory of a letter written eight days before by them, &c. Were this assertion true, yet as my letters to Colonel Champion had no force of authority, I was guilty of no crime in writing them, though they were not written without the consent or knowledge of my colleagues; but the fact is, that I did write the letter which my prosecutor has noticed as defective in this supposed formality, with the knowledge of my colleagues; the very next letter following it in the appendix of the 5th report of the Secret Committee, No. 27, is a letter from the Select Committee (my colleagues, dated the next day after mine, and beginning with these words: "The President has laid before us your letter to him under date the 26th of August, with the reply which he immediately dispatched to it, and which perfectly agrees with our sentiments." This reply was my letter in question.

Neither was my letter contradictory of that of the Select Committee, dated the 8th of the same month; for both expressed a hope of accommodation, but mine urged a vigorous prosecution of the war; as the means of effecting it.

11th. I cannot understand this; perhaps the following reply may meet the sense of it:—The Nabob Vizier, by the original terms of our engagement, was to dictate the service to be performed, and we were to perform it. It is strictly consistent with the real, not "ideal, obligations of dignity and honour," to dictate the conditions of peace to an enemy, rather than to receive them. I thank God I have never degraded my country's dignity and honour by adopting any other rule. As to "the substantial claims of justice," I know not what is meant by them; but surely all claims of justice are abrogated by a state of actual war.

12th. This is mere declamation; but as it ascribes to me, without specific grounds, "an ultimate adherence to principles of violence and injustice, disgraceful to the character, and injurious to the interests of the nation," I have a right to affirm it, as I know it to be utterly false.

From the preceeding specimen, this Honourable House will judge of the unwarrantable licence which my accuser has assumed in his reflections upon my conduct; and of the intolerable length to which it would lead me, were I to follow it in the same accurate manner through all the remaining positions of the charge, seventy-nine in number, of which I have only answered twelve, which are the number in the first division. I shall now proceed to offer a connected narrative of all my proceedings, or to speak more properly, the proceedings of the Governor General and Council (for I had no exclusive share in them) with the Nabob Fyzoola Cawn, from the conclusion of the treaty with him at Lall-Dang, on the 6th of October, 1774, to the close of my administration.

From



From the month of October, 1774, to the latter end of February, 1778, we had no reference made to us relative to Fyzoola Cawn; but on the 25th of February, 1778, we received a letter from Mr. Middleton, in which he informed us, that reports had prevailed at Lucknow, that Fyzoola Cawn retained in his service a greater body of troops than were specified in the treaty of 1774, and that he had given protection and encouragement to Zabitta Cawn's defeated army. Mr. Middleton, in the same letter, told us, that he did not pay much attention to these reports; but added, that the Nabob's oppressive and unjust conduct, in various instances, might induce Fyzoola Cawn to form connections, and to engage in schemes incompatible with his duty and allegiance to the Vizier. Mr. Middleton also informed us, that Fyzoola Cawn was very desirous to obtain the guarantee of the Company to the treaty which he had concluded with the late Vizier. Upon this subject I had had repeated applications from him; but the guarantee appeared to me unnecessary, except as it would afford great satisfaction to Fyzoola Cawn; for our government must have interfered, if the Nabob Vizier had attempted to encroach upon the rights which Fyzoola Cawn enjoyed under his treaty with the Vizier.

Mr. Middleton deputed Mr. D. Barwell to Rampore, the residence of Fyzoola Cawn. Mr. Barwell transmitted to Mr. Middleton a very particular account of Fyzoola Cawn's conduct, which appeared to have been in no instance contrary to his engagements; and in the month of April his treaty with the Nabob Vizier was guaranteed by the Company, agreeably to his earnest and reiterated requests: by whose suggestions doubts were instilled into the mind of Fyzoola Cawn, as to the validity of the treaty which Colonel Champion had witnessed, I know not; but I am equally at a loss to discover in what part of the transaction which I have just detailed I am culpable.

On the 5th of December, 1778, Mr. Middleton informed us, that Fyzoola Cawn had offered a body of two thousand horse to be employed in our service. Of this number not more than five hundred were at any time furnished by Fyzoola Cawn, and those were employed to guard Rohilcund from an invasion, which in the first instance would have affected Fyzoola Cawn, as his country lay the most exposed to the ravages of an enemy. For this voluntary offer Fyzoola Cawn deserved and received my thanks. He was under no engagement to furnish us with a single man, nor did I ever demand a man from him—Why then does my accuser confound this with the subsequent demand which was made upon him by the Vizier, at the recommendation of the Governor General and Council? It is true, the Board accepted Fyzoola Cawn's offer; but it is equally true, that Fyzoola Cawn never did fulfil it, nor ever send more than the five hundred horse which have been mentioned.

Until the 27th of September, 1780, no measures relative to Fyzoola Cawn were proposed; and I desire this Honourable House will be so good as to consider what our actual situation was at that period. We were engaged in a war with the Mahrattas—Hyder Ally Cawn had overrun the Carnatic—had defeated Colonel Bailie's detachment—and Sir Hector Monro had been obliged to retreat to Madras—a Mahratta army lay contiguous to the southern frontier at Bengal—and at the same instant of time we received intelligence that a very considerable armament had been fitted out by France, which did in fact arrive upon the coast of Coromandel in the month of January following. I proposed measures for the immediate relief of Madras. Troops and money were sent, and Sir Eyre Coote consented, on that momentous and important occasion, to take the command of the army at Madras. Before his departure, the Board requested his sentiments as to the disposition of our forces for the defence of Bengal, and the dominions of our ally the Nabob Vizier; for on their security the existence of our empire in India depended. I beg leave to read Sir Eyre Coote's Minute, in consequence of this application to him.

“The very accurate and just description which the Governor General has given of the danger which at present impends the interests of the British nation in India, I am persuaded will have the same influence upon the mind of every other Member of the Board as it has had upon mine, and tend to produce that freedom of deliberation, concord, and unanimity in our Councils, so necessary for the public good. In full confidence that no other view can exist amongst us, I with the greater cheerfulness undertake that part of the service which falls to the lot of the station I fill; and relying on the support of the Board therein, most readily repose my military character and credit in their hands.

“In conformity to the request made at the close of the Governor General's Minute, I now deliver in a state of our force on this establishment, and of the disposition proposed to be made of it for the protection of these provinces, and the relief of Madras.”



Sir Eyre Coote, in this Minute, recommended to us to apply to Cheyt Sing for the service of a body of horse to cover the province of Bahar, and that Rohilcund should be defended by a battalion of sepoys, a thousand of the Vizier's infantry, and as many of Fyzoola Cawn's troops as could be procured. The Board unanimously adopted Sir Eyre Coote's sentiments. The other Members were Mr. Francis, Mr. Wheeler, and myself. In the following month (October) Sir Eyre Coote embarked for Madras, with a large supply of treasure, and a strong detachment of Europeans. On the 28th of October, 1780, the Board received a letter from General Stibbert, enclosing the following letter from Major Briscoe to Sir Eyre Coote, which in his absence General Stibbert had opened.

From Major Briscoe to Sir Eyre Coote.

Daranagur, the 1st of October, 1780.

“On my being appointed to, and taking the command at Daranagur, I was not honoured with any instructions from you respecting the Nabob Fyzoola Cawn's troops; I have only 500 of his horse, and the Nabob in his agreement with Government is obliged to keep up 5,000 troops for assisting in the defence of Rohilcund. A few months ago three battalions were stationed here with Colonel Muir, beside a body of the Nabob Fyzoola Cawn's cavalry, and they were well employed, and had enough to do in protecting the country from invasion. The command is greatly reduced one battalion taken away, and Fyzoola Cawn has not afforded more than 500 men since I have been here, which is a great deal too small a force from him, as I acquainted you, in my former letters, two battalions was too small a command to defend Rohilcund from invasion.”

With this letter, General Stibbert wrote to the Board, on the 28th of October, 1780, as follows:

“I presume that on a perusal of the Major's letter, the necessity of pressing both the Vizier and Fyzoola Cawn to contribute effectually to the relief of the Rohilcund will not fail to appear to the Board.”

The letters from Major Briscoe and General Stibbert were taken into consideration on the 2d of November, the Members present being Mr. Francis, Mr. Wheeler, and myself; and it was agreed, without any debate or dissent, as a matter of course, “that the Governor General be requested to write to the Nabob Vizier, recommending to him to receive from Fyzoola Cawn the quota of troops stipulated by the treaty to be furnished by the latter for his service, being 5,000 horse, to be put under the immediate command of Lieutenant Colonel Muir at Futtagur.”

In consequence of this unanimous Resolution of the Board, I wrote to the Nabob Vizier, who applied to Fyzoola Cawn, and transmitted to me the answer which he received to this application. The answer is certainly evasive and unsatisfactory. Fyzoola Cawn stated that 1,000 of his horse were with Major Briscoe, although in fact he never had more than 500. With respect to the treaty itself, I do freely confess that, in common with the other Members of the Board, I conceived that Fyzoola Cawn was obliged by treaty to furnish 5,000 horse in time of war, instead of “two or 3,000 men, according to his ability;” which are the words of the treaty.

I must observe, that the treaty was so loosely worded as to be open to cavil and dispute, and every part of it liable to misconstructions: but in justice to the other gentlemen who composed the Council, as well as to myself, I desire to observe, that we had at that time a variety of most pressing and important business before us; nor can I now conceive how we could commit so palpable an error, unless, in the hurry of business, with Major Briscoe's letter lying before us, which stated that the Nabob Fyzoola Cawn is obliged to keep up 5,000 troops, we adopted his assertion as a fact, without consideration or debate, and immediately acted upon it. A Member of this Honourable House, Mr. Francis, was at that time one of my colleagues.—I would desire to call upon him to state what he can recollect upon this part of the Charge.

Upon the receipt of the Nabob Vizier's letter, on the 15th of February, 1781, I proposed, “That a deputation to Fyzoola Cawn should be immediately recommended to be sent by the Nabob Vizier, accompanied by an Agent from Mr. Middleton, in behalf of our Government, as guarantees, and that in presence of proper witnesses, they should demand immediate delivery of 3,000 cavalry; and if he should evade, or refuse compliance, that the deputies should deliver



deliver a formal protest against him for breach of treaty, and return, making their report to the Vizier, which Mr. Middleton was to transmit to the Board."

In consequence of this Resolution, Mr. Johnson was deputed to Fyzoola Cawn; and on the 1st of April, 1781, he wrote to Mr. Middleton, stating various points in which Fyzoola Cawn had broke his treaty with the Vizier: that particularly, as he was precluded by treaty from keeping more than 5,000 Rohillas in his districts, there were in Rampore alone not less than 20,000 Rohilla soldiers; and that the excess of Fyzoola Cawn's revenue beyond what he was allowed by treaty, lay in a fraudulent valuation at the time of the grant, and did not proceed from the improvements in his collections. In a second letter from Rampore, Mr. Johnson informed Mr. Middleton that Fyzoola Cawn had given a flat refusal to the demand of 3,000 cavalry; that he therefore, in compliance with the orders of the Board, drew up and delivered to Fyzoola Cawn a formal protest, which was witnessed by Major Balfour.

Fyzoola Cawn said, the treaty specified no definite number of cavalry or infantry, only expressing troops; that he would furnish 2,000 horse and 1,000 foot, and one year's pay in advance.—Mr. Johnson's letters were transmitted to us, accompanied by a letter from the Nabob Vizier, urging us to consent to the resumption of Fyzoola Cawn's jaghire, and that he should receive the amount of it in money, after deducting the expence of the troops he was engaged to furnish.

On these letters the Board came to no determination. I myself moved, on the day they were read, in June 1781, "That a final Resolution on the subject of the above letter, and the papers accompanying it, be suspended to another occasion;" and it was agreed to.

On the 19th of September, 1781, I concluded an agreement with the Nabob Vizier at Chunar. At this time the rebellion at Benares was scarcely quelled, its consequences uncertain, and the province unsettled. Violent commotions, excited by this example, still prevailed in many parts of the Vizier's dominions. A sincere and cordial union between his government and ours, and even the most public indication of it, were necessary to the peace and prosperity, and as I believed, to the existence of both: I was, therefore, more than ordinarily solicitous both to contribute to his means of power and wealth, and to confirm his confidence in my attachment; nor was I without a feeling of gratitude for the recent proofs which he had given me of his attachment to me and to my government, in the precipitate manner in which he had flown to offer me, and to afford me, if wanted, his assistance. I was determined to gratify him in every point which could be with propriety and with consistency granted. Here, too, I must add, that I still retained the impression of Fyzoola Cawn's refusal to furnish the military aid stipulated by his treaty, and I maintain that I was warranted in considering it an evasion, if not a breach of his treaty; since, though our demand had exceeded the letter of the treaty, we had an undoubted claim (I mean the Vizier under our guarantee, for in this instance we were one) to some assistance, and he had eluded it altogether. Besides this, I had for some time past received various and repeated informations of treacherous intrigues, and other acts imputed to him; to which, though I refused that degree of credit which might have impelled me to any decided act against him, yet I certainly yielded so far to the belief, as to seek to guard myself by every possible means of caution and preparation against what might eventually happen. When, therefore, the Nabob presented to me the paper of requisitions, which, by my assent to them afterwards, formed what has been styled the engagements of Chunar, the demand to be allowed to resume the jaghire of Fyzoola Cawn being one of them, I assented to it, as I did to the rest; but in such a manner as to reserve the rights of further examination, and of indefinite suspension, until the grounds of proceeding to the extremity portended in the clause were sufficiently ascertained. In this nicety of discrimination, I desired the Nabob to insert the words, "when time shall suit," into the requisition, which was absolute in the first draft of it; and with that qualification of it I assented to it. That this was my intention, is demonstrated by the declaration made of it to the Board, in the annexed observations on the engagement when I transmitted them immediately after the full report of my transactions with the Nabob Vizier, which terminated with it. My words will better demonstrate this than any reasoning upon them.

After stating the specific instances of suspected fidelity, which had appeared in the behaviour of Fyzoola Cawn, I concluded my observation with the following sentence: "But I am of opinion, that neither the Vizier's nor the Company's interests would be promoted by depriving Fyzoola Cawn of his independency; and I have therefore reserved the execution of this agreement to an indefinite term, and our government may always interpose to prevent any ill effects from it."



Hence it is plain, that no wrong, no substantial wrong, was either done or intended to Fyzoola Cawn; and that if I can be supposed to have been actuated by any secret motive of enmity to him, I had effectually precluded myself from gratifying it, by a declaration so explicitly made, that it was contrary to the interests both of the Nabob and the Company (for such is the consequent sense of it) to deprive Fyzoola Cawn of his independency.

Had my conduct in this instance been arraigned at the time, while the sense of recent provocation, the gathered alarms around me, and the consciousness of internal rectitude, had possession of my mind, I would have justified the act against the judgment of all mankind, if that had condemned it. In the calmer reflection on events, which have lost by time their hold on the passions (though few, I hope, have been the instances in which mine have prevailed over my judgment) and to which subsequent events have given a different colour, I am not ashamed to acknowledge, that the act itself was formally wrong, and yet more than formally, as it might become a precedent for worse purposes.—If this Honourable House shall judge that I deserve its censure for an error thus avowed, I shall respectfully submit to it.

After the Vizier had returned to Lucknow, in the course of the year 1782, I received repeated complaints from the Nabob, and from the Resident, against Fyzoola Cawn; but I resisted every application that was made to me for depriving him of his jaghire; and when I appointed Mr. Bristow to the Residency of Owde, I gave him explicit instructions on the subject of Fyzoola Cawn, which will prove, beyond a world of argument, how careful I was to avoid a rupture with him. I desire to enter them entire, and to contrast them with the garbled quotation of them in the Charge.

“ Mr. Middleton has written to the Board, that Fyzoola Cawn has been making preparations for entering on open hostilities with the Nabob Vizier, and combining other persons against him. I suspect the information; but prudence requires to be prepared against the possibility of such an event. It is possible, that the Vizier’s apparent weakness may have excited Fyzoola Cawn to form such a design; it is more probable, that he has been driven to it by the public declarations and menaces both of the Resident and the Minister. I have written a letter to him, such as I think best calculated to divert him from any such undertaking, by assurances of the favourable disposition of this Government towards him, while he shall not have forfeited it by any improper conduct; and by stating to him the fatal consequences which must attend his defection. That letter you will perhaps receive earlier than I shall be able to put you in possession of these instructions. I shall only add upon this head, that you must be guided by your own discretion in whatsoever relates to it; but be careful to prevent the Nabob’s affairs from being involved with new difficulties, while he has already so many to oppress him.”

My accuser states, That “ in my instructions to Mr. Bristow, I did leave him to be guided by his own discretion;” but (I add) “ be careful to prevent the *Vizier’s affairs from being involved in new difficulties, whilst he has already so many to oppress him;*” thereby plainly hinting at some more decisive measures, whenever the Vizier should be less oppressed with difficulties.

How my accuser can infer, from the words of a prohibition, my concealed intention of authorizing the thing which I had prohibited, or what right he has to be the interpreter of my thoughts, much less to press them to bear evidence against me, I know not. I refer to the extract which I have given of my instructions for the full interpretation of my real intention, and, as I trust, for a full refutation of so groundless a Charge.

Mr. Bristow, in consequence of my instructions, advised the Nabob Vizier to concert and form a new and permanent agreement with the Nabob Fyzoola Cawn, which might obviate all future signs of jealousy and distrust; and on the 30th of December, 1782, Mr. Bristow informed the Board, that he had deputed Major Palmer to Fyzoola Cawn with instructions for conducting, on the part of the Nabob Vizier, a formal arrangement with Fyzoola Cawn. In the same letter, Mr. Bristow states, “ That Fyzoola Cawn had not instructed his Vakeel to agree to grant any pecuniary aid to the Vizier, and that he wished to evade granting military aid to the Vizier at any distance from his own country.”—Mr. Bristow adds, That “ Fyzoola Cawn has derived security, honour, and advantage from his connection with the Vizier’s government, and thinks he would hardly attempt to create disturbances, as he could not be benefited by a change.”—But he adds, That “ jealousies are likely to subsist, while Fyzoola Cawn may possess the means of bringing 20,000 men into the field.”



I beg leave to continue the narrative, by inserting Major Palmer's letters, containing an account of the commencement and conclusion of his negociation. These will, I am confident, convey to this Honourable House a very different idea of my conduct respecting Fyzoola Cawn, than that with which the partial quotations from these letters, which my accuser has inserted in the charge, are calculated to impress them.

Copy of a letter from Major William Palmer, to Mr. John Bristow, Resident at the Vizier's Court, dated the 24th Jannary, 1783.

" Since my last, advising you of my arrival at this place, I have had daily conferences with the eldest son of the Nabob Fyzoola Cawn, in which every point of misunderstanding and complaint between the Vizier and Fyzoola Cawn have been fully discussed, and the sentiments of the Board and the Vizier relating thereto, and their desire of removing them, and of fixing the sovereignty of the Vizier, and the dependance of Fyzoola Cawn, upon an unequivocal and permanent footing, clearly explained.

" Fyzoola Cawn persists in denying the infringement on his part of any one article in the treaty, or the neglect of any obligation which it imposes upon him. He does not admit of the improvements reported to be made in his Jaghire; and even asserts that the collections this year will fall short of the original jumma, by reason of a long drou-ht. He denies having exceeded the limited number of Rohillas in his service, and having refused the required aid of cavalry made by Mr. Johnson to act with General Goddard. He observed respecting the charge of waving the Vizier's requisition for the cavalry lately stationed at Daranagur to be stationed at Lucknow, that he is not bound by treaty to maintain a stationary force for the service of the Vizier, but to supply an aid of 2 or 3,000 troops in time of war. Lastly, he asserts, that so far from encouraging the Ryots of the Vizier to settle in his Jaghire, it has been his constant practice to deliver them up to the Aumil of Rohilcund whenever he could discover them.

" It is very difficult, if not impracticable in my situation, to obtain such information as might enable me to assign the degree of credit to which these denials and assertions of Fyzoola Cawn are entitled. From general appearances, as well as universal report, it cannot be doubted that the jumma of his Jaghire is greatly encreased beyond the original grant. The number of Rohillas in Rampore alone certainly exceeds that limited by the treaty for his service. It is not clearly expressed whether the restriction included Rohillas of all descriptions; but such was apparently the meaning of the late Vizier in the first treaty, since he required Fyzoola Cawn to send all above that number beyond the Ganges; and it is sufficiently known, that every Rohilla in his Jaghire, however occupied in ordinary, would appear in arms for the defence of Fyzoola Cawn, by whomsoever he might be attacked. But it does not appear that their numbers are formidable, or that he could by any means subsist such numbers as could cause any serious alarm to the Vizier; neither is there any appearance of their entertaining any views beyond the quiet possession of the advantages which they at present enjoy.

" With respect to the encrease of jumma, although it has been solemnly relinquished by the Vizier, yet the concession having been gratuitous, so great a favour should certainly operate upon Fyzooloo Cawn in a new and durable accommodation, proposed as much for his security as for the interest of the Vizier.

" Fyzoola Cawn seems to be fully sensible that an engagement to furnish military aid, however clearly the conditions might be stated, must be a source of perpetual misunderstanding and inconveniencies, and he is very desirous of the remission of that stipulation for a compensation in money. But he and I differ widely in our idea of the equivalent to which the Vizier would be entitled for it. He offers only five lacks of rupees altogether; and I have given him my opinion, that the Vizier may reasonably demand that sum annually: but objections, or rather a refusal, so strong was made to any continual payments, that I am convinced he would risk any extremity rather than yield to it. I was, however, desired to name a sum to be paid at once, in lieu of an annual demand: I mentioned twenty lacks of rupees as the least sum which I thought the Vizier entitled to, or that he would accept for the proposed concession. I have not yet been informed of Fyzoola Cawn's resolution upon this proposition; but if he rejects it, I shall have no further hopes of effecting such an accommodation as will be consistent with the interests and dignity of the Vizier, or the views of our Government, and shall return immediately to Lucknow.

A true copy.  
(Signed) JOHN BRISTOW,  
Resident at the Vizier's Court."



From Major Palmer to Mr. Hastings.

“ Sir,

“ I have at length come to a final agreement with Fyzoola Cawn, for the remission of the military aid which he is bound to furnish the Vizier. This is the only proposition upon which he was willing to treat; and I am well pleased to have escaped the dangers of so important a negotiation as that of ceding the Vizier's sovereignty and property in this valuable Jaghire. I am at a loss to conjecture what can be Fyzoola Cawn's real motives for declining an acquisition of such magnitude. The reason he has assigned to me I cannot credit—it is an inability to advance the *peishcush*. I demand only thirty lacks for this important cession, in which every other would have been included, and he has given fifteen for the single one above-mentioned. I look back with self-gratulation on my offer having been rejected. I should have incurred much censure and suspicion if he had accepted it, from those who do not know the real state of things, and the liberal principles upon which your Board recommended the cession. There are no precedents, in the ancient usages of the country, for ascertaining the *nuzzerana* or *Peishcush* of grants of this nature; they were bestowed by the Prince as rewards or favours; and the accustomed presents in return were adapted to the dignity of the donor, rather than the value of the gift, to which it never, I believe, bore any kind of proportion. In my demand, I endeavoured to reconcile this practice with the object which the Board had in view, of some indemnification to the Vizier; and when you know that the chief claim, upon which it was supposed the Vizier had a right to compensation, was not formed, I am persuaded that you will approve my conduct; I mean the advantages which it was alledged Fyzoola Cawn had derived from the labours of the Vizier's *ryots*. I believe I have already informed you, that he has proved to me the error of this supposition, by producing receipts of various dates, and for great numbers of those people, surrendered upon requisition from the Vizier's officers. I trouble you with this vindication, lest it should be insinuated that I had an intention to sacrifice the Vizier's interest, but only wanted opportunity to carry it into execution; and besides, I think it as indispensable to you for my intentions as for my actions.

“ The sum which I have accepted for relinquishing the stipulated aid will, I think, be thought an ample equivalent for such precarious service. I think myself that I have made an excellent bargain for the Vizier; and, at the same time, I believe Fyzoola Cawn is perfectly satisfied, since I have spent a month, in order to effect by argument and persuasion what I could have obtained in an hour by threats and compulsions.

“ The money is to be paid by the following instalments; five lacks in specie to be delivered to me upon signing the release; five lacks at the commencement of the next *Kuriof* harvest; two lacks at the following *Rubby*; and the remaining three lacks at the *Kuriof* ensuing.

“ The specie is Bareilly rupees of uncertain value, because fluctuating at Lucknow, at this time 10 or 11 per cent. below the *Reccarys* of that place. I could not obtain better, and I believe that no person not known to possess your confidence and support, in the degree that I am supposed to do, would have obtained nearly so good terms: Fyzoola Cawn has invariably refused at the Vizier's *Durbar* more than five lacks for this very condition.

“ I expected to have set out on my return this day; but the shroffing the money, and providing carriage for it, proves very tedious.

“ I have taken from Fyzoola Cawn an engagement to afford no asylum to the Vizier's *ryots*.

“ I cannot conclude this letter, without once more recommending to your notice the indefatigable attention, the extraordinary abilities, and incorruptible integrity, of Jehfusal Hussein Cawn. He is to you an invaluable servant, and I sincerely wish he was employed where he might perform more essential service.

Rampore,  
17th February, 1783.

I am, with respect, &c.

(Signed)

WM. PALMER.”

By the agreement thus concluded by Major Palmer, on the behalf of the Nabob Vizier, every possibility of future doubt or difficulty is removed; and surely it was of the utmost importance to Fyzoola Cawn, that an article of a treaty so liable to misconstruction as that

was,



was, which bound him to furnish the Vizier with two or three thousand men, should be effectually explained. It was, therefore, a prudent and an economical agreement, on the part of Fyzoola Cawn, to free himself entirely from every obligation to afford military aid in future, by the payment of a present fine, and that so moderate as fifteen lacks of rupees.

I acquit Fyzoola Cawn of having entertained hostile designs against the Vizier; yet, notwithstanding his positive denial of the fact, I did, and do still think the Nabob Vizier justified by one instance of his behaviour, in exacting from him some consideration for the improvement of his country and revenue, derived as a consequence from the protection of the treaty subsisting with him. This arose chiefly from the encouragement given by Fyzoola Cawn to desertions of the Nabob's tenants, who were known to have resorted to him in great numbers, which is a breach of one of the most ancient and fundamental laws of all Indostan. In the present instance, it was aggravated by the acknowledged relation in which Fyzoola Cawn stood to the Nabob Vizier, as his titular vassal. While this afforded a plea for a demand which was strictly conformable to the usages of Indostan, and no way contrary to treaty, I was induced to encourage the demand on the same ground, because I knew that Fyzoola Cawn was well able to answer it; and so in effect it proved.

I am also clearly of opinion, that Fyzoola Cawn deviated in other instances, not only from the spirit, but even from the letter of his treaty. Major Palmer, in the letter which I have read, informs Mr. Bristow that Fyzoola Cawn denies his infringement of any one article of his treaty; but Major Palmer asserts, "That the number of Rohillas, in Rampore alone, certainly exceeds that limited by treaty for his service;" and he further says, "That from general appearances, as well as universal report, it cannot be doubted that the jumma (income) of his Jaghire is greatly increased beyond the original grant;" and it has been positively asserted, that he obtained his Jaghire originally upon a false valuation. It is also an undoubted fact, that frequent disturbances were raised in the Vizier's country by the Rohillas; and in particular, that Hoormut Cawn, one of the sons of Hafiz Rhamut, who had by indulgence been allowed to remain in Rohilcund, and who was actually under the protection of Fyzoola Cawn at that time, raised a party of eight hundred or a thousand armed Rohillas, before the smallest intelligence was received of his design, and with this force, which was hourly encreasing, committed depredations in the Vizier's territories in Rohilcund for several days before any effectual check could be given to him.

I look back to the length of this defence, and to so long an intrusion on the time of this Honourable House, with a regret aggravated by the reflexion, that after all I may have been employed in a waste of argument; for though the production to which I have replied, is entitled, "An Article of Charge of High Crimes and Misdemeanors;" though it consists of so long, laboured, and methodical an arrangement, and I have studied it with all the accuracy of attention which I could give to it; yet am I still unable to draw from it any specific Charge.

I know not whether it was intended to convey the charge of disobedience of orders, of oppression, of corruption, of embezzlement, of prohibited or unjust war, or of breach of treaty, or none of these crimes are specified; and the two last of these only seem to be implicated in it, and the first so remotely, that I scarcely think myself warranted in supposing it. To these, however, I have directed my defence, and with them, in the only mode in which I could defend myself against all possible and unknown imputations, by a plain statement of the transactions in which I have had any participation with Fyzoola Cawn, and which could serve either as the ground of accusation or the refutation of it.

With respect to the mode in which this charge is drawn, I mean in the subdivisions of it, I must throw myself upon the generosity as well as the justice of this Honourable House, in all confidence that they will acquit me of the imputations with which these abound, on the credit of my refutation of those which stand in the first division or chapter, and to which alone I have applied a minute and appropriate reply.

That in an intercourse of many years I have committed errors, I will not deny; I have acknowledged it—and what mortal being is exempt from the commission of error? But that I have ever committed intentional wrong, I can truly and solemnly deny; and I appeal to the judgment of this Honourable House for my complete acquittal of such a charge, if such a charge does exist against me; for still I must repeat that I have sought in vain to find it.

To sum up the whole: let the charge, with my defence, be taken together, and they will show that I was vigilant in my attention to Fyzoola Cawn; a Chief who from his situation might prove dangerous to the interests of the Company, and the ally of the Company;—  
that



that I protected him against any eventual design of his superior, in virtue of the Company's guarantee ;—that I drew from the connection a pecuniary aid to the Company, at a time when their wants most pressing required it, and without any moral objection made to it by the only person who had a right to object to it ;—that I never sent a man in arms, nor suffered one to be sent, against Fyzoola Cawn, our guarantee of the treaty ;—and I will add, with a reference to the records before this Honourable House, and to the evidence of undoubted notoriety, that though the treaty with Fyzoola Cawn has now subsisted above eleven years, his country has enjoyed, through its protection, a state of undisturbed peace and improved cultivation ; and is at this time in a more flourishing state, both in population and revenue, than it was known to possess before the conclusion of his treaty with the Nabob Sujah ul Dowlah.

Let it be remembered, that in all this time I held the first place in the Administration of the Government of Bengal, on which the subsistence of that treaty depended ; and from the effects which I have detailed, let the integrity of my conduct be inferred, and its influence allowed in their production.

END OF THE FIRST VOLUME.